

REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	07 FEBRUARY 2023	CATEGORY: DELEGATED
REPORT FROM:	HEAD OF PLANNING AND STRATEGIC HOUSING	RESTRICTED DO0
MEMBERS' CONTACT POINT:	JESSICA CHEADLE jessica.cheadle@southderbyshire.gov.uk	
SUBJECT:	DEED OF VARIATION – LAND OFF RYDER CLOSE, CASTLE GRESLEY	REF: DMPA/2021/0579 & DMPA/2022/1447
WARD(S) AFFECTED:	CHURCH GRESLEY	TERMS OF REFERENCE

1.0 Recommendations

- 1.1 That the Committee approves the request to amend the Section 106 Agreement (S106) to include amendments to be made to the first schedule of the Section 106 Agreement - Owners Covenants and a new paragraph be inserted under paragraph 2 – Natural England Licence. This is based upon recommendations that have been received from Strategic Housing and Development Manager.
- 1.2 That the Committee delegate authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the obligations to be secured under the DoV.

2.0 Purpose of Report

- 2.1 To inform the Committee of the proposed changes to the S106 Agreement, Land off Ryder Close.

3.0 Background

- 3.1 Members may recall that the site, was granted planning permission for up to an extension to the existing storage yard and creation of creation of car parking. The Section 106 agreement can be found under permission reference [DMPA/2021/0579](#).
- 3.2 South Derbyshire District Council has received a request from Keystone Lintels for the variation of condition 2 (approved plans) and amendments to the Great Crested Newt Mitigation Strategy through a S73 application.
- 3.3 The ownership of the has been transferred from 'St. Modwen Homes Limited' to 'The Sycamore Avenue Company Limited'.

4.0 Discussion

- 4.1 The Council has been approached by Keystone Lintels, as they would like to use Natural England's District Level Licensing Scheme therefore the mitigation will take

place off site rather than on site as previously approved.

- 4.2 The previously approved plans would be amended to remove the pond that was approved to be located on site.
- 4.3 District Level Licensing is a method that it aims to increase the number of Great Crested Newts by providing new or better habitats in targeted areas as specified by Natural England in order to benefit their wider population
- 4.4 The S106 DoV will amend the S106 agreement in order to bind the S73 application as well as the original planning application. With a further condition in place that fully ensures the application mitigates the effects by following the regulations and by applying for the licence from Natural England.

5.0 Financial Implications

- 5.1 There are no financial implications associated to the Council for this change as the costs of the DoV will be paid for by Keystone Lintels as they have requested the amendments.

6.0 Corporate Implications

- 6.1 None.

7.0 Community Implications

- 7.1 None. .

8.0 Background Information

- a) Section 106 Agreement:
[Planning Applications, Decisions and Appeals \(southderbyshire.gov.uk\)](https://www.southderbyshire.gov.uk)