

PLANNING COMMITTEE  
13.10.2020



**UPDATE REPORT for Agenda No: 5A**

<b>Application No:</b>	<b>18/02010/FUL</b>
<b>Location:</b>	<b>Gimsons, Kings Chase, Witham, Essex, CM8 1AX</b>
<b>Description:</b>	<b>Demolition of existing dwelling and construction of 78 dwellings including access, landscaping, parking and associated works</b>

**UPDATE**

Following the publication on the Planning Committee Agenda for 13.10.2020, the Applicant has agreed to pay a financial contribution towards HRA.

**Habitat Regulations Assessment (HRA / RAMS)**

The application site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site.

In this regard, Natural England have published revised interim guidance on 16<sup>th</sup> August 2018 in connection with the emerging strategic approach relating to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations.

In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence. Where an appropriate assessment concludes that a likely significant effect would occur, the Local Planning Authority is required to secure a financial contribution towards off site mitigation at the identified natura 2000 sites to mitigate the impact of the development upon these sites.

At the time of considering application reference 18/02010/FUL at the Planning Committee held on 19<sup>th</sup> March 2019, no HRA financial contribution was proposed to be secured. However, following discussions with the Applicant, it is now proposed that the HRA financial contribution will be secured to ensure that the development would not have an unacceptable impact on the Blackwater Estuary SPA/Ramsar sites. This payment would amount to £125.58 per dwelling. The Applicant has agreed to pay the HRA contribution and it is proposed that this would be included within the S106 Agreement (The S106 Heads of Terms have been updated to include reference to HRA – see final list below):

## Updated Heads of Terms

For the avoidance of doubt, HRA has been agreed to be an additional Head of Term in the S106 agreement. The list is as follows:

- **Affordable Housing:** 23 units comprising tenure of 15 x Affordable Rent & 8 x Shared Ownership.
- **Public Open Space:** On site provision of public open space. Management Company be appointed for the maintenance of the proposed on-site open space. Financial contribution in accordance with the Town Council and Open Spaces Action Plan for:
  - Equipped play: £48,693.65 - Upgrading and refurbishing Witham Town Park Play Area
  - Allotments: £2,300.63 - Allotments (Site 1), Cut Throat Lane, Witham for the installation of raised gardening beds for less physically able people and improvements to parking area.
  - Sports: £72,499.52 – for the provision and maintenance of practice cricket nets at Witham Hockey and Cricket Club, Sauls Bridge Sports Ground, Riverview, Maldon Road, Witham. The contribution could also be used for the provision of equipment including walking/running signage and kilometre markers and/or improvements to the outdoor sports facilities at Sauls Bridge Sports Ground, Riverview, Maldon Road, Witham.
  - The Public Open Space contributions to be paid prior to first occupation of the development as appropriate.
- **Footpath / Cycleway Improvements:** £48,500 to improve a section of the River Walk and £7,500 to improve a section of the footpath in Witham Town Park.
- **Education:** Financial contributions for Early Years and Child Care: £52,266, Primary education: £304,856
- **NHS:** Financial contribution of £29,187 to improve Fern House Surgery
- **Cricket safety netting:** Financial contribution of £21,155 for the provision and installation of ball stop netting and a further financial contribution of £15,000 to be paid to the Council to cover the cost of maintaining the ball stop netting for a period of 15 years.
- **HRA:** As indicated above, the Applicant has agreed to pay the HRA financial contribution of £125.58 per dwelling (£9,795.24). This contribution will be secured through the S106 Agreement.