

From: Michelle Barton <Michelle.Barton@cornwall.gov.uk>

Sent: 18 Jan 2024 08:27:56

To: MyEmails.DMS@cornwall.gov.uk

Cc:

Subject: FW: *Simona*PA23/09745 Fal And Helford And Penhale Dunes Combined Special Area of Conservation Habitat Mitigation Contribution - Case Ref: ZX08H553 16.01

Attachments:

Information Classification: CONTROLLED

From: Lagan CRM Admin <laganadmin@cornwall.gov.uk>

Sent: 16 January 2024 12:06

To: Cornwall Planning <planning@cornwall.gov.uk>

Cc: Obligations Planning <planning.obligations@cornwall.gov.uk>

Subject: *Simona*PA23/09745 Fal And Helford And Penhale Dunes Combined Special Area of Conservation Habitat Mitigation Contribution - Case Ref: ZX08H553

For office use only

Application Reference:

Name: Mr Kieran Murphy

Telephone: 07449100053

Email: kieranjmurphy.km@gmail.com

Lagan Reference: 101006865028

Application/Portal Ref: PA/23/09745

Development Description: Construction of new dwelling and use of land under the One Planet Development for Off Grid Living

Number of:

Dwellings: 1

Tourist accommodation: 0

Student accommodation: 0

Active elderly accommodation: 0

THIS UNDERTAKING is given the sixteenth day of January two thousand and twenty four

BY

Mr Kieran Murphy of 22 TRELAWNEY ROAD ST AUSTELL PL25 4JA

TO

Cornwall Council of New County Hall Treyew Road Truro TR1 3AY ("the Council")

Background

1. I am the Owner of the land situated at Land to the east of Melynouth New Mills Truro Cornwall TR2 4NN (being the land shown edged red on the plan previously submitted).
2. The Council is the local planning authority for the area within which the land is situated.
3. I have applied to the Council for planning permission to develop the land by Construction of new dwelling and use of land under the One Planet Development for Off Grid Living ('The Development') and have submitted this undertaking in support of the Application Reference Number displayed on submitting this form.

Definitions

In this Undertaking: "Dwelling"	Means a building or part of a building, caravan, mobile home or park home designed for residential occupation by a single household and "Dwellings" shall be construed accordingly.
"Tourist accommodation"	Means hotels, guest houses, B&Bs lodges, static caravans and tourism pitches and "tourism accommodation" shall be construed accordingly.
"Student Accommodation"	Means a building or part of a building used for student accommodation or bedrooms and "student accommodation" shall be construed accordingly.
"Active elderly accommodation"	Means specially designed self-contained accommodation for the more active elderly, which may include an element of scheme supervisor support and/or additional communal facilities and "active elderly accommodation" shall be construed accordingly.
"Fal And Helford And Penhale Dunes Combined Special Area of Conservation Habitat Mitigation Contribution"	Means the sum of £532 per dwelling and/or £222 per bedroom for student/serviced accommodation to be paid by the Owner to avoid or mitigate against any adverse effect of the development on the Fal And Helford And Penhale Dunes Combined Special Area of Conservation Habitat Mitigation Contribution in accordance with the Habitats Directive, the Cornwall European Sites Supplementary Planning Document and Policy 22 of the Cornwall Local Plan Strategic Policies 2010 - 2030.

The Owner on behalf of himself is making the attached payment of £532.00 to the Council on the signing of this undertaking to address the requirements of the policies stated above and to confirm that the **Fal And Helford And Penhale Dunes Combined Special Area of Conservation Habitat Mitigation Contribution** has been paid to the Council for the defined purposes to be held by the Council and used solely for those purposes.

I understand I can request in writing a refund of the **Fal And Helford And Penhale Dunes Combined Special Area of Conservation Habitat Mitigation Contribution** in the event of any one of the following:

- i. The contribution has been paid pre-determination and planning permission has been refused for The Development and six months has elapsed from the date of that decision without a planning appeal having been made, or
- ii. The development has not been commenced and within the period of six months from the date from which the planning permission is no longer capable of being implemented, or
- iii. Within the period of six months of any Planning Appeal submitted in respect of The Development being dismissed.

Written requests for refunds must be made to: planning@cornwall.gov.uk

By confirming this undertaking the Owner confirms that where the land is owned by more than one person this undertaking has been given jointly and severally by all such persons constituting the Owner and that the above undertakings shall be enforceable by the Council against the Owner.

For the purposes of the Contracts (Rights of Third Parties) Act 1999 it is agreed that nothing in this Undertaking shall confer on any third party (other than the Council) any right to enforce or any benefit of any term of this Undertaking.

Ticked to confirm:	Yes
Full name:	Kieran Murphy
Date:	16/01/2024

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Application Reference:
Application Determined:/...../..... (Approved / Refused)
Six month threshold:/...../.....

Appeal Submitted: Yes / No (Allowed / Dismissed)

<https://secure.cornwall.gov.uk/selfservice/PaymentPortal?id=101006865028&mode=VOF&redirect=y>