

**Bath & North East Somerset Council**

**Planning Obligations Supplementary Planning Document**

**Consultation Statement**  
**October 2008**

**Consultation prior to drafting SPD**

**1 Introduction**

- 1.1 Prior to the preparation of the draft Planning Obligations Supplementary Planning Document engagement with key stakeholders was undertaken.
- 1.2 The document was drafted to introduce a more rigorous, evidence-based and methodical approach to securing developer contributions. In preparing the SPD a Companion Guide has been prepared setting out in greater depth the Council’s current Affordable Housing requirements.
- 1.3 It was agreed that the document should be prepared to supplement the Local Plan in April 2007 when the Local Development Scheme was agreed by the Council. In September 2008 cabinet agreed the SPD for public consultation.
- 1.4 Under the Planning and Compulsory Purchase Act 2004 (Regulation 17 (1) (b) it is a requirement to prepare and make available a statement setting out:
  - The names of any persons whom the authority consulted in connection with the preparation of the SPD;
  - How those persons were consulted;
  - A summary of the main issues raised in those consultations; and
  - How those issues have been raised in the SPD.

**2 The names of any persons whom the authority consulted in connection with the preparation of the SPD**

Statutory Consultees	Other Stakeholders
Environment Agency	Government Office for the South West
English Heritage	Highways Agency
Natural England	South West Regional Assembly
	West of England Partnership
	South West of England Regional Development Agency

In addition, the SPD was prepared in consultation with internal departments of the Council.

### **3 How those persons were consulted**

- 3.1 These persons were consulted as part of the sustainability appraisal (SA) of the Planning Obligations SPD. Copies of the SA Scoping Report and supporting documents were distributed to the Consultation Bodies mentioned above, and were made available to other relevant bodies with social and economic responsibilities.
- 3.2 A consultation event was carried out for the community sector on understanding s.106 agreements. This was facilitated by Planning Aid and the Ethical Property Foundation and took place on 9<sup>th</sup> October 2007, and approximately 40 people attended.

### **4 A summary of the main issues raised in those consultations**

- An Appropriate Assessment is required.
- Reference to the 'Green Infrastructure in the West of England' report should be included.
- Support for inclusion of green space, education and sport and leisure in the SPD. Proposed that term biodiversity might be more appropriate than green space.
- It was felt that the term 'local' should be removed when referring to mitigating impact of development.
- PPS9 stresses the need to avoid impact then mitigate, SPD only refers to mitigating impacts.
- Should be reference to PPS9 and PPS25.

### **5 How those issues have been raised in the SPD**

After further investigation it was agreed that an Appropriate Assessment was not necessary.

Other comments relating to reference to evidence were considered and appropriate action was taken to include these within the SPD.

## Consultation on draft SPD

### 1 Introduction

- 1.1 This statement sets out the details of the regulation 17 consultation for the *Planning Obligations SPD* in line with regulation 18 (4) of the *Town and Country (Local Development) (England) Regulations 2004* and the Council's *Adopted Statement of Community Involvement*.
- 1.2 The statement explains the consultation undertaken and details of who has been consulted to date; how they were consulted; the issues raised and how these have been addressed in the SPD.

### 2 Regulation 17 consultation

- 2.1 In the preparation of both the draft SPD and the accompanying draft Sustainability Appraisal; consultation with statutory consultees and others was undertaken. See pages 1 and 2 for further details.
- 2.2 A six week public consultation period on the draft SPD was then undertaken from 30<sup>th</sup> October – 10<sup>th</sup> December 2008. A six week consultation period was held in line with the *Statement of Community Involvement*.
- 2.3 The SPD, accompanying Sustainability Appraisal, Statement of Proposal Matters (**Appendix A**), Consultation Notice and Regulation 17 Consultation Statements were available to view in the following places:
  - Trimbridge House, Trim Street, Bath, BA1 2DP;
  - The Hollies, Midsomer Norton, Bath, BA3 2DP;
  - Riverside Office, Temple Street, Keynsham, Bristol, BS31 1 LA.
  - Bath Library, 19 The Podium, Northgate Street, Bath, BA1 5AN;
  - Keynsham Library, Riverside, Temple Street, Keynsham, Bristol, BS31 1LA
  - Radstock Library, The Street, Radstock, BA3 3PR;
  - Saltford Library, 478a Bath Road, Saltford, BS31 3DJ;
  - Midsomer Norton Library;
  - Moorland Road Library, Moorland Road, Bath, BA2 3PL;
  - Weston Library, Church Street, Weston, Bath, BA1 4BU;
  - Paulton Library, Central Methodist Church, Paulton, BS39 7QQ;
  - Mobile Libraries (2).
- 2.4 Copies of the Comment forms were also made available in the deposit stations listed above.
- 2.5 All of the documentation listed in paragraphs 2.3 and 2.4 was also published on the Council's website at [www.bathnes.gov.uk/ldf](http://www.bathnes.gov.uk/ldf).
- 2.6 A notice of the consultation was placed in the local press on Thursday 30<sup>th</sup> October 2008 in the following papers:
  - Bath Chronicle
  - Bristol Evening Post
  - Western Daily Press
  - Somerset Guardian
  - Norton & Radstock Journal

- 2.7 A letter was sent to all statutory consultees and consultees in the LDF database giving notice of the consultation. An email was also sent to all those on the LDF database with a link to the Council's website where they could access the SPDs and accompanying documentation (**Appendix B**).
- 2.8 We further publicised the availability of the draft Planning Obligations SPD in the following ways:
- A press release was issued on 30<sup>th</sup> October 2008 to local newspapers, radio and TV. The press release is included as **Appendix C**. Articles were published in the Somerset Guardian on 30<sup>th</sup> October 2008 and in The Midsomer Norton and Radstock Journal on 13<sup>th</sup> November 2008.
  - An email notifying all Councillors of the consultation was sent on 29<sup>th</sup> October 2008 (**Appendix D**) and hard copies of the SPDs were provided in the Member's Political Group rooms for reference.
  - An email notifying all in planning services as well as other internal colleagues was sent on 29<sup>th</sup> October 2008 (**Appendix E**).
  - The consultation was highlighted on the Council's homepage [www.bathnes.gov.uk](http://www.bathnes.gov.uk) in the 'have your say' area of the website.
  - All Town & Parish Councils and consultees involved in the drafting of the SPDs were sent hard copies of the SPD.
  - Posters advertising the consultation on the SPDs were sent to all Town & Parish Councils, and all deposit stations advertising the consultation.
  - On November 24<sup>th</sup>, a consultation evening for the community was held. The event run with Planning Aid and the Ethical Property Foundation and was entitled 'Everything you wanted to know about section 106' and it aimed to engage the community on the issue of planning obligations as well as to discuss the Planning Obligations SPD. The agenda for the event is at **Appendix F**, and the attendee list and a summary of the questions asked by the public is at **Appendix G**.
  - The Consultation was introduced to the parish councils through a presentation at the Parish Liaison meeting on the 22<sup>nd</sup> October 2008.
  - A presentation on Planning Obligations was delivered to the Chew Valley Area Partnership on 10<sup>th</sup> December 2008.
  - Online consultation facility used to advertise consultation.

### **3 Issues raised in the consultation and how these issues were addressed**

3.1 Written representatives were received from 38 organisations, which included: landowners and developers; town and parish councils; interest groups and statutory consultees (including the South West Regional Assembly, the Highways Agency and Natural England). One comment was received from an individual.

3.2 The organisations who commented are as follows:

- ALCAN Packaging UK Limited
- Avon & Somerset Constabulary
- B&NES Allotments Association
- B&NES CVS Steering Group
- B&NES Learning Partnership
- B&NES Primary Care Trust
- Barratt Strategic Planning
- Bath Preservation Trust
- Bath Spa University
- British Waterways
- Cadbury's
- Chew Magna Parish Council
- Coal Authority
- Combe Hay Parish Council
- Commission for Architecture and the Built Environment
- Crest Strategic Projects
- CSJ Planning
- Down Family Trust
- Duchy of Cornwall
- Freshford Parish Council
- Future Heritage
- GL Hearn Property Consultants
- Glenavon Farm Partnership
- High Littleton Parish Council
- Highways Agency
- JWR Solutions
- Midsomer Norton Society
- Morrison Supermarkets PLC
- Natural England
- Norton Radstock Town Council
- Paulton Parish Council
- Peasedown St John Parish Council
- Redcliffe Homes
- Redrow Homes (South Wales) Ltd
- Sainsbury's Supermarkets Ltd
- Saltford Parish Council
- South Stoke Parish Council
- South West Regional Assembly
- South West RSL Planning Consortium
- Sport England
- St James's Investments

- Stowey Sutton Parish Council
- Strategic Land Partnerships
- Sulis Park
- Taylor Wimpey UK Ltd
- Timsbury Parish Council

3.2 The main issues raised during this consultation were as follows:

- Issues in relation to monitoring arrangements and administration fees
- Concerns about viability and need for a protocol for viability testing
- Omission of topic areas e.g. healthcare facilities, local employment, community facilities etc
- Specific questions about the evidence base and approach to calculating contributions
- Community engagement in planning obligations

## **5 Statement of Compliance to the Statement of Community Involvement**

### Stage 1: Evidence Gathering

Statutory consultees and other consultees were consulted on the draft Sustainability Appraisal.

### Stage 2

Formal consultation on the SPD – Published for 6 weeks public consultation and a range of consultation techniques used as outlined above.

### Documentation

In line with the SCI, a schedule of comments made during the consultation will be made available together with the Council's response to the comments made.

This consultation report has been produced outlining who was consulted, how they were consulted and a summary of the main comments received and how these have been addressed.

This statement of compliance with the SCI has been produced as part of the consultation report.

### Work with target groups

The Planning Obligations SPD details a complex topic that is of great interest to the local community. So a cross cutting approach to the target groups was required to advance understanding of the topic across the community sector. This included the Parish and Town Councils, local community organisations and voluntary sector organisations. A range of consultation techniques were used as outlined in this report to engage these target groups and to aid understanding of the topic. Media and Council News coverage also aimed to publicise the consultation widely to all residents.

## Statement of Proposal Matters

### Bath & North East Somerset Council's Local Development Framework

#### Planning Obligations Supplementary Planning Document

This statement has been prepared under Regulation 17 of The Town and Country Planning (Local Development) (England) Regulations 2004.

**Title of the document:** Planning Obligations Supplementary Planning Document

**Subject matter and area covered:** The Planning Obligations SPD sets out detailed planning guidance to supplement Bath & North East Somerset Local Plan policy IMP.1. The SPD relates specifically to planning obligations in the entire Bath & North East Somerset administrative area.

**Consultation period for this document:** Representations should be received within the 6 week consultation period which will run from 30<sup>th</sup> October until 10th December 2008. All representations must be received by 5pm on 10th December 2008.

#### Representations should be sent to:

*By post to:*  
Planning Policy Team  
Planning Services  
Trimbridge House  
Trim Street  
Bath  
BA1 2DP

*By email to:*  
planning\_policy@bathnes.gov.uk

*By Fax to:* 01225 477641

Comments on the SPD can be made in the following ways:

- By completing the SPD representation form provided alongside the Draft SPD and returning using the contact details above.
- By downloading the SPD representation form from the Council's website ([www.bathnes.gov.uk](http://www.bathnes.gov.uk)) and returning using the contact details above.



**Date:** 29<sup>th</sup> October 2008  
**Our ref:** PO SPD – Reg 17  
**Direct line:** (01225) 477548  
**Fax:** (01225) 477641  
**Minicom:** (01225) 477535  
**E-Mail:** [planning\\_policy@bathnes.gov.uk](mailto:planning_policy@bathnes.gov.uk)

Planning Services  
Trimbridge House, Trim Street,  
Telephone: (01225) 477000  
Bath BA1 2DP  
[www.bathnes.gov.uk](http://www.bathnes.gov.uk)

Dear Sir/Madam

**Draft Planning Obligations Supplementary Planning Document**

I am writing to inform you that the above document has been published for a six week period of public consultation (30<sup>th</sup> October – 10<sup>th</sup> December 2008).

The draft SPD sets out detailed planning guidance to supplement the Bath & North East Somerset Local Plan. It aims to provide further information and guidance on the Council's approach regarding planning obligations. Planning Obligations are used to secure affordable housing and financial contributions to mitigate the impact of new development on social and other infrastructure such as roads and community facilities.

Copies of the draft SPD and accompanying documents can be viewed at the following Council offices, between the hours of 8.30 am to 5.00pm Monday-Thursdays and 8.30 am to 4.30 pm on Fridays:

- Trimbridge House, Trim Street, Bath, BA1 2DP;
- The Hollies, Midsomer Norton, Bath, BA3 2DP;
- Riverside, Temple Street, Keynsham, Bristol, BS31 1LA.

The document can also be viewed on the Bath & North East Somerset Council website [www.bathnes.gov.uk/ldf](http://www.bathnes.gov.uk/ldf) and during library opening times, at all the public libraries within the District including the mobile libraries. Details of how to comment on the SPD are outlined overleaf. Details of other consultation activities are also available online.

If you have any queries about the above, please do not hesitate to contact us.

Yours faithfully

*Simon de Beer*

**Planning Policy Team Leader**

## Statement of Proposal Matters

### Bath & North East Somerset Council's Local Development Framework

#### Planning Obligations Supplementary Planning Document

This statement has been prepared under Regulation 17 of The Town and Country Planning (Local Development) (England) Regulations 2004.

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**Consultation period for this document:** Representations should be received within the 6 week consultation period which will run from 30<sup>th</sup> October until 10th December 2008. All representations must be received by 5pm on 10th December 2008.

#### Representations should be sent to:

*By post to:*  
Planning Policy Team  
Planning Services  
Trimbridge House  
Trim Street  
Bath  
BA1 2DP

*By email to:* [planning\\_policy@bathnes.gov.uk](mailto:planning_policy@bathnes.gov.uk)

*By Fax to:* 01225 477641

Comments on the SPD can be made in the following ways:

- By completing the SPD representation form provided alongside the Draft SPD and returning using the contact details above.
- By downloading the SPD representation form from the Council's website ([www.bathnes.gov.uk](http://www.bathnes.gov.uk)) and returning using the contact details above.

## **Consultation launched on better facilities for new communities**

Residents could benefit from better community facilities funded by housing developers under new supplementary planning guidelines being consulted on by Bath and North East Somerset Council.

At present, community facility obligations are sought on a site-by-site basis. The purpose of the guidance is to bring increased certainty that new developments will be matched with appropriate levels of facilities and infrastructure, such as affordable housing, facilities for children, transport, green space and play areas, and sport and recreation. It may also provide the opportunity for developer contributions to be pooled and benefit a wider community area.

Councillor Charles Gerrish (Conservative, Keynsham North), Cabinet Member for Customer Services, commented: "Bath and North East Somerset Council is committed to working in partnership with housing developers to provide improved community facilities where they are needed for residents when new homes are built. This approach ensures the Council is achieving its priorities, including improving transport. Although the Council does this at present, we want to hear people's views on how this new supplementary planning guidance can make this process even more effective and our local communities even better places to live."

Some of the locations where Bath and North East Somerset Council has sought contributions under existing guidelines are St. Martin's Hospital, Odd Down and the former factory site at Rush Hill, Southdown. For phase 1 of a development in Paulton, contributions went towards, play equipment for the playground, highways works, landscaping and affordable housing.

Councillor Gerrish added: "Developers generally welcome more structured approaches to planning obligations because it provides them with certainty in the process. This approach has been adopted by other local authorities, such as Bristol, Swindon, and Oxford."

### **Details about consultation**

The consultation period on the document will run from the 30th October – 10th December 2008. The Council is welcoming comments on the draft supplementary planning document from the public or other interested organisations. Copies of the document can be viewed in all public libraries in the district and in Council offices. Alternatively, it can be viewed on the Council's website: [www.bathnes.gov.uk/ldf](http://www.bathnes.gov.uk/ldf)

Following consideration of the comments received and a formal adoption process it is anticipated that the new supplementary planning document will come into force next year.

Dear All

I am writing to inform you that the six week public consultation on the **draft Planning Obligations Supplementary Planning Document** starts tomorrow. This SPD supplements Local Plan policy IMP.1.

I enclose a copy of the SPD. We also have hard copies available on request and this is also available on our LDF webpage: [www.bathnes.gov.uk/ldf](http://www.bathnes.gov.uk/ldf) (from tomorrow). Hard copies will also be made available in the members rooms.

We will be holding some consultation activities over the next few weeks including a workshop which we are running jointly with Planning Aid and the Ethical Property Foundation. Please contact me if you would like further information.

Kind regards,

Cleo

Cleo Newcombe-Jones, Planning Officer

Planning Policy

Bath & North East Somerset Council

Telephone: 01225 477617

email: [cleo\\_newcombe-jones@bathnes.gov.uk](mailto:cleo_newcombe-jones@bathnes.gov.uk)

Dear All

I am writing to inform you that the six week public consultation on the **draft Planning Obligations Supplementary Planning Document** starts tomorrow. This SPD supplements Local Plan policy IMP.1.

I enclose a copy of the SPD. We also have hard copies available on request and this is also available on our LDF webpage: [www.bathnes.gov.uk/ldf](http://www.bathnes.gov.uk/ldf)

The SPD was agreed for public consultation by Cabinet, and as such it is a material consideration, although until it is adopted it will have limited weight. We aim to adopt this SPD in March 2009.

We will be holding some consultation activities over the next few weeks including a workshop which we are running jointly with Planning Aid and the Ethical Property Foundation. Please contact me if you would like further information.

Kind regards,

Cleo

Cleo Newcombe-Jones, Planning Officer  
Planning Policy  
Bath & North East Somerset Council  
Telephone: 01225 477617  
email: [cleo\\_newcombe-jones@bathnes.gov.uk](mailto:cleo_newcombe-jones@bathnes.gov.uk)

[www.bathnes.gov.uk](http://www.bathnes.gov.uk)

Making Bath & North East Somerset a better place to live, work and visit.



## Everything you wanted to know about Section 106 (Planning Obligations)

Date: Monday 24<sup>th</sup> November, 6:00pm 'till 8:15pm  
Venue: The Guildhall, High St, Bath, BA1 5AW

- |                 |  |
|-----------------|--|
| 5:30pm – 6:00pm | Registration and sandwich buffet   |
| 6:00pm – 6:15pm | Introduction to S106 – Barry Pearce, South West Planning Aid   |
| 6:15pm – 6:45pm | The law and policy of S106 – Liz Osbourne and John Bosworth, Ashfords Solicitors   |
| 6:45pm – 7:00pm | Refreshment break  |
| 7:00pm – 7:15pm | BANES planning obligations (SPD) – David Trigwell, Divisional Director of Planning and Transport, Bath and North East Somerset Council |
| 7:15pm – 8:15pm | Question Time: A panel to answer your questions  |
| 8:15pm          | Close  |

Appendix G: Attendance list to the event and summary of questions asked

<b>Name</b>	<b>Organisation</b>	<b>Present</b>
Brenda Clayton	B&NES Learning Partnership	✓
Brian Cooper	Salford Parish Council	✓
Councillor Hellier	Keynsham Town Council	✓
Dawn Drury	Estia Consulting	✓
Donna Del Greco	Stone King Sewell	✓
Doris Davis	Chew Magna Parish Council	✓
George Bailey	Radstock Action Group	✓
Graham Dix	Paulton Parish Council	✓
Helen Woodly	B&NES Allotments Association	✓
Helena Thompson	First Steps Bath	✓
Jacqui Buffton	Learning Partnership	✓
Jeff Blake	Clandown Residents Association	✓
Jilly Edwards	Quartet Community Foundation	✓
Jo Swift	Keynsham Town Council	✓
Judith Pluncknett	Paulton Parish Council	✓
Keith Rossiter	Bathampton Parish Council	✓
Maureen Bollard	The Bath and Well Diocese	✓
Meryl Hecquet	BANES CVS	✓
Meryl Leach	Chew Magna Parish Council	✓
Neil Hopkins	Peasedown St John Parish Council	✓
Peter Jovcic-Sas	Norton Radstock Town Council	✓
Peter Turner	Pulteney Estates Residents Association	✓
Phyllis Cook	Keynsham South Forum	✓
Quentin Elston	Mr. Willat's Charity	✓
Robin Battersby	The Bath and Well Diocese	✓
Ron Phelps	Joint Local Access Forum (JLAF)	✓
Ross Purcell	Bath City Church	✓
Stephen Dale	Volunteer Centre B&NES	✓
Sue Watkins	Keynsham South Forum	✓

Tamsin Simmonds	Stone King Sewell	✓
Amanda Leon	Radstock Action Group	✓
Stuart Campbell	Freshford Parish Council	✓
Hugh Delap	Freshford Parish Council	✓

An extra 4-5 people also attended on the day = 39 people

### Summary of Questions asked

**> If a group believes that two other parties are conspiring to ignore S106 conditions, to the detriment of the Community, what kind of redress might they have?**

**> In three related parts :**

- **1. Would the panel please advise whether Parish Plans have been considered as appropriate in the selection of 106 planning contributions arising from appropriate developments in rural areas ?**
- **2. If not , then please advise why this is the case ?**
- **3. If so, then at what stage in the development control process will consultation with Parish Councils take place?**

**> Is there a way of using S.106 money to buy existing community facilities (in some instances this might provide the local community with needed facilities a different way).**

- **If a development has a knock-on effect on an adjoining area, can that adjoining area attract funds from S.106 to offset the effects? The effects might be additional through – traffic ; additional demand on existing services etc**
- **Can S.106 moneys be used to provide an endowment fund to provide help towards maintenance / support costs of facilities created? (or is it just capital)**