

APPENDIX A

Focused Amendments to the Bath and North East Somerset Council Planning Obligations Supplementary Planning Document (SPD) 2015 for Adoption

Note: new text is underlined and deletions to the existing text are shown as strike throughs.

New text added based on consultation responses is highlighted and double underlined.

3.4 Green Infrastructure

Introduction and Policy Background

3.4.1 The Council's Green Infrastructure Strategy adopted March 2013 and the Green Space Strategy 2015 sets out the vision and requirements in respect of Green Infrastructure within the District and provides the detail to ~~Core Strategy~~ Placemaking Plan Policy CP7 "Green Infrastructure" and Policy LCR6 "Sports and Recreational Facilities". Policy CP7 states that existing and new Green Infrastructure must be planned, delivered and managed as an integral part of creating sustainable communities. Policy LCR6 provides for contributions to off site accessible sport and recreational open space to meet the need arising from the development, where on site provision is not practicable. ~~The importance of green infrastructure is firmly embedded in the NPPF which states "Local Planning authorities should: set out a strategic approach in their local plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure".~~

3.4.2 ~~In addition, the~~ The National Planning Policy Framework (NPPF) 2018 (paragraph 170) states that the planning system should contribute to and enhance the natural and local environment by "minimising impacts on and providing net gains in for biodiversity, ~~where possible, contributing to the Government's commitment to halt the overall decline in biodiversity,~~ including

by establishing coherent ecological networks that are more resilient to current and future pressures”; and Paragraph 96 states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

[New Para ref 3.4. 3] ~~By 2026 the~~ The Council and its partners will ~~have worked~~ with the community to achieve a well-used, managed, connected and expanding network of green infrastructure which provides a wealth of benefits for people, place and nature. The Council recognises that Green Infrastructure is a key element in delivering the following benefits and sustainable development within Bath and North East Somerset:

- Supporting healthy lifestyles and thriving communities
- Providing active access to the outdoors
- Enhancing landscape character and built heritage
- Enhancing biodiversity
- Supporting healthy ecosystems
- Providing climate change solutions
- Invigorating the local economy and natural tourism
- Enhancing sense of place

Triggers for the Obligation

New Para. 3.4.4 Placemaking Plan (adopted 2017) Policy LCR6 indicates that where new development generates a need for additional recreational open space (“green space”) and facilities which cannot be met on-site or by existing provision, the developer will be required to either provide for, or to contribute to the provision of accessible sport and recreational open space and/or facilities to meet the need arising from the new development in accordance with the standards set out in the Green Space Strategy, and Planning Obligations SPD or successor documents.

New Para. 3.4.5 The Green Space Strategy 2015 sets out the thresholds, typologies, quantity and access standards for recreational open space and costs (see Table 24).

New Para 3.4.6 The Green Space Strategy standards have three aspects: Quantity, Access and Quality. The following typologies are those where standards have been developed:

Green Space Strategy 2015 (Table 19)

<u>Typology</u>	<u>Quantity standards (ha/1000 population)</u>	<u>Access standard</u>
<u>Allotments</u>	<u>0.3</u>	<u>960 metres or 20 minutes' walk time</u>
<u>Amenity Green Space</u>	<u>0.3</u>	<u>600 metres or 12-13 minutes' walk time</u>
<u>Parks and Recreation Grounds</u>	<u>1.3</u>	<u>600 metres or 12-13 minutes' walk time</u>
<u>Play Space (Children)</u>	<u>0.05</u>	<u>480 metres or 10 minutes' walk time</u>
<u>Play Space (Youth)</u>	<u>0.03</u>	<u>600 metres or 12-13 minutes' walk time</u>
<u>Natural Green Space</u>	<u>1.30 to include natural and amenity green space for new provision</u>	<u>ANGSt and Woodland Trust for analysing existing provision</u>

(Moved Text now 3.4.7) Developers should engage with the Council at an early stage in the planning process to establish requirements in respect of their specific proposals.

New 3.4.8 In accordance with the Community Infrastructure Regulations 2010, and subject to the Written Ministerial Statement of 28th November 2014, planning obligations will only be secured where they are a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development. Planning obligations sought for off-site green space provision, enhancements and maintenance will be established at the planning application stage and relate to particular identified projects to mitigate the impact of the development.

3.4.9 *(Previously 3.4.3)* Strategic green infrastructure will be delivered through a number of mechanisms including CIL. Developers are also required to have due regard to the Green Infrastructure Strategy, or any amended or replacement Strategy, when formulating development proposals to ensure that the aims of the Strategy are delivered at the local level. Green infrastructure should be central to the design of new developments. Proposals should respect and enhance green infrastructure within the site and demonstrate strong links to the wider network. Development proposals that do not address green infrastructure adequately are likely to be considered unacceptable. The impact of new development on green infrastructure will be assessed through the Development Management process, ~~and~~ Specific development management policies ~~will be~~ are included in the Placemaking Plan.

~~3.4.4 Given that green infrastructure needs to be an integral part of development proposals, there is no specific threshold above which Green Infrastructure must be considered. Developers should engage with the Council at an early stage in the planning process to establish requirements in respect of their specific proposals.~~

Further Information

3.4.510 For further information please contact the Council's ~~Environment~~ Planning Policy-Team.

3.5 Tree Replacement

[Amended text and costs in section as follows:]

Level of Contribution

3.5.8 The contribution covers the cost of providing the tree pit (where appropriate), purchasing, planting, protecting, establishing and initially maintaining the new tree. The level of contribution is as follows:

Tree in open ground (no tree pit required) ~~£735.28~~ £839.20

Tree in hard standing (tree pit required) ~~£1,013.08~~ £2,183.48

Indexation is to be applied from the second quarter, 2019, based on the national All-in Tender Price Index published from time to time by the Building Cost Information Service of the Royal Institution of Chartered Surveyors

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Further Information

3.5.16 Developers are expected to engage with the Council at an early stage of the planning process in relation to tree replacement and are therefore encouraged to contact the Council's ~~Environment~~ Planning and Conservation Team.

3.6 Adoption of ~~On-Site~~ Green Space, Allotments and Landscaping Schemes

Introduction and Policy Background

~~3.6.1 Whilst the Council expects that the majority of green space and allotment facilities will be delivered by CIL, there will be instances where on site provision comes forward as part of a development. In addition, landscaping schemes that are secured by a Section 106 agreement will form part of a development in many cases.~~

3.6.21 In cases where provision **of green space and landscaping schemes** comes forward as part of a development, ~~Such~~ such facilities may be offered to the Council or its nominee (usually a Town or Parish Council) by a developer for adoption as Council owned and maintained provision. ~~In principle the~~ The Council will consider adopting these facilities subject to a number of conditions, which are set out below.

New Para In cases where provision of allotments comes forward as part of a development the allotment site will be offered to the Council or its nominee (usually a Town or Parish Council) by a developer for adoption as Council owned and maintained provision.

New Para There is no obligation on the Council to accept an offer to adopt Green Space, Allotments and Landscaping Schemes

Renumber paragraphs

3.6.32 The adoption of green space provision, allotment facilities and landscaping schemes is supported by Placemaking Plan Policy CP7 and Core Strategy Policy CP13 ~~of the Council's adopted Core Strategy~~, the Council's Green Infrastructure Strategy adopted March 2013 and the Council's adopted Green Space Strategy 2015 or successor documents.

Trigger for the Obligation

3.6.43 There is no trigger in relation to the adoption of the aforementioned facilities, as it will be dependent on the developer offering the particular facility to the Council for adoption.

Conditions to be met for adoption to be considered acceptable

1. The provision offered to the Council for adoption must, in the case of ~~formal green space~~ parks & recreation ground; amenity and natural green space; and allotment provision, be useable, and, in the case of

landscaping schemes, be of high quality. There are no specific standards against which the Council will undertake this assessment, as it will be dependent on the individual site characteristics. As such, an assessment will be made on a case by case basis.

2. The provision offered to the Council for adoption must be maintained by the developer to the satisfaction of the Council for a period of not less than 12 months after being provided on site. In some cases this period may be extended (e.g. if remedial works required prior to transfer are not completed within an agreed timescale).
3. The developer must pay to the Council a commuted sum to cover the cost of maintaining the provision for a 20 year period. The commuted sum payable will be dependent on the type of provision to be adopted and will be calculated in accordance with the following formulas:

- ~~Formal green space and landscaping schemes~~ **Parks and Recreation Grounds** = Amount of provision to be adopted in m² x £84.58
- **Amenity and Natural green space** = Amount of provision to be adopted in m² x £23.90
- **Allotments** = Amount of provision to be adopted in m² x £19.96

The above rates will be increased annually in line with inflation.

- 3.6.54 The commuted sums set out above will be secured by a Section 106 legal agreement, which will include provision for the commuted sums to be indexed from the date that the Section 106 is signed to the date of payment.

Further Information

3.6.65 For further information please contact the Council's ~~Parks and Estates Team~~
Parks and Green Spaces Department or ~~Environment~~ Planning Policy
Team.