

Single Member Cabinet Decision

Executive Forward Plan Reference	E 3147
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Planning Obligations Supplementary Planning Document (SPD) amendment and related Community Infrastructure Levy Regulation 123 List amendment relating to new development green space requirements

Decision maker/s	Cllr Tim Ball, Cabinet Member for Planning, Housing and Economic Development
The Issue	Amendments are required to the Planning Obligations Supplementary Planning Document (SPD) and related changes are required to the Regulation 123 List (R123 list) to clarify in particular that where recreational open space ("green space") provision is not practical on site for new developments, planning obligations (Section 106 agreements) for off-site green space provision or enhancement which are necessary for new development to be acceptable in planning terms will be required.
Decision Date	27 July 2019
The decision	<p>The Cabinet Member agreed that the Planning Obligations SPD amendments relating to S106 green space obligations, and updated costs for tree replacement are adopted.</p> <p>The Cabinet Member agreed that the Regulation123 (R123) amendments are approved.</p>
Rationale for decision	The rationale for making the changes to the Planning Obligations SPD and the R123 is to provide consistency for determining planning applications, and to ensure that development which is permitted is acceptable in planning terms.
Financial and budget implications	<p>The finalisation of the Amendments to the Planning Obligations SPD and R123 list (formalising the adoption and the preparation and publication of the final amended documents) will be undertaken by the Planning Policy Team and the costs covered within the existing salary budget and the Council's LDF budget (now reduced).</p> <p>The amendments will have an impact on the Council's income. It is anticipated that the level of Section 106 income will increase. In cases where off site contributions are secured in place of on-site provision, this would result in additional S106 contributions. In addition, conversions of in use buildings to new residential apartments that do not currently contribute via CIL (as CIL is based on net additional Gross Internal Area), could be liable for green space planning obligations.</p>
Issues considered (these are covered in more detail in the report)	Sustainability; Corporate; Other Legal Considerations

<p>Consultation undertaken</p>	<p>Public Consultation on focused amendments to the Planning Obligations Supplementary Planning Document (SPD) and CIL Infrastructure list took place between 14th March 2019 to 25th April 2019. A consultation report has been prepared.</p> <p>Other B&NES Services; Section 151 Finance Officer; Monitoring Officer have been consulted</p>
<p>How consultation was carried out</p>	<p>The public consultation documents were approved for publication, by the Cabinet Member for Development and Neighbourhoods, on 4th March 2019.</p> <p>The Planning Obligations Supplementary Planning Document (SPD) focused amendments and the related Community Infrastructure Levy Regulation 123 List amendment relating to new development green space requirements was published for consultation for a 6 week period between 14 March 2019 to 25th April 2019.</p> <p>The Consultation documents and links to the supporting material and other information were made publicly available at the usual 'Deposit Stations' across the District (see below). The Council's website was the main means by which the consultation documents could be accessed. A shortcut website address was created for ease of reference www.bathnes.gov.uk/developercontributions Whilst consultees were encouraged to view documents and submit comments electronically, and a specific email account was set up: developercontributions_consultation@bathnes.gov.uk; paper copies were also made available if requested to ensure inclusivity. A bespoke form was made available for lodging responses.</p> <p>A report was prepared considering the comments and providing responses.</p>
<p>Other options considered</p>	<p>A full Review of the Planning Obligations SPD was considered instead of focusing on the proposed amendments relating to implementation. However on the basis that the draft Joint Spatial Plan is currently being examined, and the preparation of the Local Plan is in progress, a full review of the SPD will be needed in due course to take into account the delivery of infrastructure, particularly in connection with the Strategic Development Locations and non-strategic allocations. It was decided therefore to undertake these focused amendments relating to the implementation of existing adopted policy</p>
<p>Declaration of interest by Cabinet Member(s) for decision, including any dispensation granted:</p>	<p>None.</p>
<p>Any conflict of interest declared by anyone who is consulted by a Member taking the</p>	<p>None.</p>

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Signatures of Decision Makers	<i>OD Ball</i>
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Date of Signature	30/07/2019
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Subject to Call-in until 5 Working days have elapsed following publication of the decision
