

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Cllr Matt McCabe, Cabinet Member for Built Environment, Housing and Sustainable Development	
MEETING/ DECISION DATE:	On or after 28th June 2025	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3607
TITLE:	Planning Obligations Supplementary Planning Document (SPD) Interim Update	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix 1 draft Planning Obligations Supplementary Planning Document Interim Update</p>		

1 THE ISSUE

1.1 To undertake a focussed and interim update of the current Planning Obligations Supplementary Planning Document 2015 as previously amended in 2019 and 2023. The proposed amendments to the SPD incorporate updates to the education chapter including early years facilities, SEND and home to school transport, a new chapter on primary health facilities, minor updates to the affordable housing chapter to reflect the revised NPPF to reflect changes in national policy and more up to date information; and other minor update changes to reflect indexation in the green infrastructure, tree replacement and training and skills contributions. The report seeks approval of the interim draft updates to the SPD for consultation.

2 RECOMMENDATION

The Cabinet member is asked to agree that:

- 2.1 The interim update draft Planning Obligations Supplementary Planning Document (Appendix 1) for public consultation is issued for statutory consultation under Regulation 12(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012; and
- 2.2 The Head of Planning has delegated authority to make any necessary editorial changes, in consultation with the Cabinet Member for Planning, prior to consultation on the interim update draft Planning Obligations SPD.

3 THE REPORT

- 3.1 Supplementary planning documents (SPDs) build upon and provide more detailed advice or guidance on policies in an adopted local plan (Core Strategy, Placemaking Plan and Local Plan Partial Update).
- 3.2 The current adopted Planning Obligations Supplementary Planning Document (SPD) supplements policy CP13 “Infrastructure Provision” and other policies in the B&NES development plan. The adopted development plan, which the SPD supplements, comprises the Core Strategy, adopted in 2015, the Placemaking Plan, adopted 2017 and the Local Plan Partial Update, adopted 2023. The SPD sets out the Council’s requirements on developer contributions related to new development and is a material consideration in decision-making.
- 3.3 S106 agreements are designed to mitigate the specific impacts of that individual development while CIL is a tool to fund the development of strategic infrastructure needed to deliver the Core Strategy objectives. Planning obligations are required to meet legal tests: the planning obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. A planning obligation must meet these legal tests otherwise no weight can be given to that planning obligation in the decision whether or not to grant planning permission.
- 3.4 In light of the changes to the NPPF and increased housing requirement, the Council is anticipating proposals for major housing schemes coming forward outside the Local Plan process. The intention for updating the SPD is to ensure that large new developments are supported by necessary infrastructure and facilities. The SPD has been amended to take into account a number of updates.
- 3.5 The SPD amendments reflect more up to date information and changes on the following:
 - a. Affordable housing – minor changes to align with new NPPF
 - b. Education facilities - up to date costs for new build and extensions.
 - c. Transport from home to school where primary or secondary school is not within statutory distance is proposed to be introduced to the SPD
 - d. Early years education and SEND provision costs proposed to be introduced to the SPD due to impact on these facilities
 - e. Green infrastructure, Tree Replacement and Biodiversity Net Gain chapters – amendments regarding implementation and updating costs.
 - f. Sustainable Construction – changes to the formula for residential development are proposed to reflect the Sustainable Construction Checklist SPD.
 - g. GP surgery contributions - The NHS have provided a formula for proposed contributions where there is a need to increase capacity to accommodate growth.
 - h. Minor changes to the SPD including updates to reflect indexation of costs in the SPD and implementation issues.

- 3.6 It is unlikely that all contributions will be required as planning obligations are considered on a case by case basis.
- 3.7 In line with Our Neighbourhood Planning Protocol (the Council's Statement of Community Involvement), we will consult on the Draft Planning Obligations Interim Update SPD for 6 weeks, to take into account feedback in the preparation of the SPD. A consultation report including setting out who was consulted, how they were consulted and a schedule of comments made during the consultation will be prepared, together with the Council's response to the issues raised.

4 STATUTORY CONSIDERATIONS

- 4.1 The legislative basis for the Planning Obligations SPD and Section 106 planning obligations is contained within the Town and Country Planning Act 1990 (as amended) the Planning and Compulsory Purchase Act 2004, and the CIL Regulations 2010 (as amended) Regulation 122.
- 4.2 Town and Country Planning (Local Planning) (England) Regulations 2012 Regulations 11 to 16 set out the requirements for preparing Supplementary Planning Documents.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 The preparation of the amendments to the Planning Obligations SPD for consultation and consideration of the issues raised will be undertaken by the Planning Policy Team and the costs covered within the existing salary budget and the Council's LDF budget.
- 5.2 It is anticipated that the level of Section 106 income will increase. We have in place arrangements for the collection, monitoring and spending of contributions arising from Planning Obligations and whilst these arrangements remain valid for administering the increased level of income, the current arrangements are being reviewed in order to improve them.

6 RISK MANAGEMENT

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

- 7.1 Pursuant to the public sector equality duty, an Equality Impact Assessment (EqIA) has been carried out for the Planning Obligations SPD. The key findings are summarised below.
- 7.2 The intention of the SPD is to encourage and maintain balanced and mixed communities that support the needs of all groups in society. Promoting a more balanced community, and providing community facilities including education and health, green space, and improved transport infrastructure (e.g. pedestrian and walking links) will help to improve people's quality of life.
- 7.3 The SPD does not directly address equalities groups such as age, race, sex, sexual orientation, gender reassignment, religion / belief, marriage/civil

partnership, as the objective of the SPD is to contribute to sustainable communities and have benefits for all groups in society.

- 7.4 However certain protected groups, such as Socio-economically disadvantaged will benefit, for example disabled groups will benefit from the SEND provision, and children will benefit from the early years provision.

8 CLIMATE CHANGE

- 8.1 The SPD facilitates delivery of policies in the Local Plan that address the Climate Emergency including sustainable construction, sustainable transport, green infrastructure and ensures that developments are supported by the required community facilities including education and health to reduce the need to travel.

9 OTHER OPTIONS CONSIDERED

- 9.1 None. The SPD mainly provides guidance on development plan policy requirements and national policy and does not create policy. It is seen as improper to do nothing since the Planning Obligations SPD which supplements the Local Plan and relates to the implementation of certain development plan policies, for the use and development of land within its area, should be kept up to date.

10 CONSULTATION

- 10.1 The preparation of the SPD was undertaken in consultation with various Council Services. The Monitoring Officer, S151 Officer and Cabinet Member have been consulted in preparing this Single Member Decision Report.
- 10.2 This report recommends approval to undertake Statutory consultation under Regulation 12 (b) of the Town and Country Planning (Local Planning) (England) Regulations 2012 for 6 weeks between 8th July and 19th August 2025. A consultation statement will then be prepared setting out the details of the consultation, a summary of the responses received, and Council comments on each of the key issues raised.

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Background papers	Equality Impact Assessment Strategic Environmental Assessment Screening Report
Please contact the report author if you need to access this report in an alternative format	