

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 14 February 2026	EXECUTIVE FORWARD PLAN REFERENCE: E 3684		
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 Planning Obligations Supplementary Planning Document Interim Update as proposed for adoption</p> <p>Appendix 2 – Consultation Statement</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. Following consultation minor changes have been made. The report seeks approval of the interim updates to the SPD for adoption.

2 RECOMMENDATION

2.1 The Cabinet Member is asked to agree that:

- a) The interim update draft Planning Obligations Supplementary Planning Document as amended following consultation (Appendix 1) is adopted
- b) The Head of Planning has delegated authority to make any necessary editorial changes, in consultation with the Cabinet Member for Built Environment, Housing and Sustainable Development, prior to the adoption and publication of the interim update 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 2014, 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 under CIL Regulation 122 that 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 in December 2024 and increased housing requirement, the Council is anticipating proposals for major housing schemes coming forward outside the Local Plan process. The intention for the SPD update is to ensure that large new developments are supported by necessary infrastructure and facilities.
- 3.5 Following the Single Member decision to approve the SPD for consultation in June 2025 and in line with Our Neighbourhood Planning Protocol (the Council’s Statement of Community Involvement), the council consulted on the Draft Planning Obligations Interim Update SPD for 6 weeks between 21 July and 29 August 2025.
- 3.6 A consultation report including setting out who was consulted, how they were consulted and a summary of the key issues raised in comments during the consultation has been prepared, together with the Council’s response (refer Appendix 2).
- 3.7 Proposed minor amendments have been made to the SPD in response to comments set out in the consultation report. A summary of key changes arising from the consultation are below.
 - Transportation
 - Minor changes have been made to clarify some of the text and ensure that the transportation measures section of the SPD relates to rail as well as other public transport infrastructure.

- Green Infrastructure
- References to the Greener Places Green Infrastructure Framework for Bath and North East Somerset 2025-2035 have been removed to ensure that open space standards are consistent with the adopted Local Plan evidence base which comprised the Green Space Strategy 2015.
- Amendments are made to refer to Green Infrastructure and “open space” as opposed to “green space” and to clarify that open space includes the various greenspace typologies including for example children’s play areas and allotments. The reference to “open space” aligns with the terminology in the NPPF and the Green Space Strategy 2015.
- Biodiversity Net Gain
- Reference is made to the existing requirement that a legal agreement is required where a self-build or custom build development is being proposed to ensure the development proposal meets the regulations for exemptions to Biodiversity Net Gain requirements.
- Education facilities
- The trigger for education facilities has been clarified to ensure that the impact on school capacity is assessed for all major developments including 10 or more dwellings. Reference is made to the Local Plan policy on Primary School Capacity.
- An amendment has been made to clarify that home to school transport will relate to mainstream schools only and not SEND schools given the various locations and types of SEND school provision.
- Tabled costs for new build and school expansion costs have been further updated (based on updated national data)
- There has been a change to SEND pupil yield introduced based on evidence.
- Targeted Recruitment and Training
- Minor amendments have been made to clarify that the targeted contribution for apprenticeships can also be for similar training and progression opportunities.
- Health facilities
- Text added to reflect the NHS 10 Year Plan which prioritises strengthening community-based care, shifting activity away from acute hospitals where appropriate, and ensuring that services are organised around the needs of local populations rather than organisational boundaries.

- Other Measures
- In response to the Environment Agency consultation response, including the EA response to the Strategic Environmental Assessment screening opinion, the “Other Measures” section has been amended to cross refer to policy CP5 Flood Risk Management. The policy ensures that any development in areas at risk of flooding will be expected to be made safe throughout its lifetime, by incorporating mitigation measures, which may take the form of on-site flood defence works and/or a contribution towards or a commitment to undertake such off-site measures as may be necessary.

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 updated Planning Obligations SPD is being undertaken by the Planning Policy Team and the costs are 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, open 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 draft SPD has been subject to statutory public consultation pursuant to the Town and Country Planning (Local Planning) (England) Regulations 2012 for 6 weeks. The post consultation changes have been prepared 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 that the proposed changes to the draft SPD interim update are approved and the SPD is adopted.

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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	