

# **APPENDIX 2**

## **Bath & North East Somerset Council Planning Obligations Review**

### **Supplementary Planning Document (SPD)**

**Consultation Statement  
February 2026**

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**Bath & North East  
Somerset Council**

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**Improving People's Lives**

## **1. Introduction**

- 1.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 requires a local planning authority to consult the public and stakeholders before adopting a Supplementary Planning Document (SPD). Regulation 12(a) requires a Statement to be prepared setting out who has been consulted while preparing the SPD; a summary of the main issues raised; and how these issues have been addressed in the final SPD. Regulation 12(b) requires that Statement to also be published as part of the formal consultation on the SPD.

## **2. Background**

- 2.1 This Planning Obligations SPD has been prepared to assist with the implementation of policies within the Bath and North East Somerset Council Core Strategy, adopted in 2014, the Placemaking Plan, adopted 2017 and the Local Plan Partial Update, adopted 2023. It will supplement Policy CP13: Infrastructure Provision alongside other policies within the adopted development plans that seek to mitigate the impact that new development can have on the environment and existing infrastructure. Once adopted, this SPD will supersede the Planning Obligations SPD that was first approved in 2015, and updated in 2019 and 2023.
- 2.2 This statement sets out the stakeholder engagement and consultation carried out during the review of Planning Obligations SPD, and the Council's response to issues raised during the consultation.

## **3. Preparation of the draft Supplementary Planning Document**

- 3.1 In preparing this SPD, consultation was carried out with a range of internal officers within the Council to discuss representations received during the consultation and to confirm proposed modifications in this version of the SPD. Officers also provided further comments regarding improving clarity in certain sections and minor editorial amendments.

## **4. Public consultation on the draft Supplementary Planning Document**

- 4.1 Following approval to consult by the Council, formal consultation on the Draft SPD was carried out for 6 weeks between 21 July 2025 to 29 August 2025. The consultation approach reflected the requirements of national regulations and "Our Neighbourhood Planning Protocol" (the Council's Statement of Community Involvement), On the run up to, and during this period, the following was undertaken:

**Notification mailout** – A range of specific and general consultation bodies and other relevant stakeholders were directly notified via email of the consultation arrangements for the draft SPD. Information about the consultation was issued by email to statutory consultees and all those individuals and organisations on the Council's mailing list, (individuals who have formally expressed a wish to be kept informed of Planning Policy consultations.)

**Press releases** – A Press Release was issued. Refer to link here:  
<https://newsroom.bathnes.gov.uk/news/council-sets-out-bold-expectations-developer-contributions-ahead-local-plan-consultation>

**Social media** – Posts were posted on the Council's social media pages to remind residents and others of the opportunity to comment on the Draft Planning Obligations Review SPD.

**Dedicated webpage** – A webpage relating to the consultation could be accessed via links from the Council's Website Home Page. See <https://www.bathnes.gov.uk/consultation-draft-planning-obligations-supplementary-planning-document-spd-update> Links were on the Homepage banner and “**Have Your Say**”. The webpage set out the policy background, consultation details, including a web comment form and email address/contact details to send responses.

**Direct contact information** - An email address was provided on mailouts and press releases for those who wanted to ask direct questions and seek further information.

**Posters** were put up in the Council's main offices and all Libraries directing people to the Consultation. The offices and libraries had computers available and assistance to access the documents.

- 4.2 Comments on the draft SPD could be submitted as part of the consultation by Online form – the Council's consultation system, by email or by post.
- 4.3 A contact email address, telephone number and address for the Planning Policy Team were included on all publicity materials allowing those experiencing difficulties accessing the documents online to seek assistance.

## **5. Summary of responses to the consultation and Council response to key issues raised**

- 5.1 During the consultation, comments were received from 45 separate individuals or organisations who responded to the consultation.
- 5.2 A summary of consultation responses and key issues raised, along with a proposed Council response to each of these is set out in Annex 1.

## Annex 1: Summary of Issues Raised in the Consultation and Council's Response

Summary of Key Issues Raised in the Consultation	Council's Response
<b>General approach</b>	
<ul style="list-style-type: none"> <li>There are a large number of potential planning obligations set out within the SPD. Many of these indicate very onerous and costly requirements from all developments; yet the draft SPD is not supported by any evidence to substantiate or to justify what it outlines as being required.</li> </ul>	<p>The SPD is supplemental guidance to give effect to adopted local plan policies that were the subject of examination. The SPD makes clear that each application is to be assessed on its merits and only those obligations that are necessary to make the development acceptable in planning terms and meet the CIL Regulation 122 tests will be requested.</p>
<ul style="list-style-type: none"> <li>Suggestions: Add a glossary, clear page numbering, a table for financial contributions, worked examples, timelines, and a checklist for S106 agreements.</li> </ul>	<p>Noted</p> <p>We will consider a revised format for updated guidance on developer contributions and obligations to align with the new Local Plan.</p> <p>The Council must take into account the phasing of delivery for each development scheme. The timeframes for spending contributions can vary based on the scale of development, phasing, and site specific issues, however it is normally 5 years.</p> <p>The SPD is predominantly utilised by developers looking to submit planning applications, and planning case officers and other specialist officers in processing planning applications.</p>
<ul style="list-style-type: none"> <li>B&amp;NES last adopted charges in 2015 and these are now outdated in terms of inflationary movement of prices. The charges are also significantly adrift of comparable councils.</li> </ul>	<p>The CIL rates are indexed annually and currently the residential rate is £150.97 per square metre. In addition, the Planning Obligations SPD has been revised since 2015 on two occasions, and is currently being further updated with additional scope for securing contributions.</p>
<b>Scope of Contributions</b>	
<ul style="list-style-type: none"> <li>The SPD could seek to more clearly link planning obligations to B&amp;NES's climate and biodiversity targets, ensuring they directly support the delivery of the Core Strategy and the Council's broader sustainable development goals.</li> </ul>	<p>Planning obligations should not be requested for the achievement of wider planning objectives which are not necessary for the development to proceed. Planning obligations may only constitute a reason for granting planning permission if they meet legal tests that they are 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.</p>
<ul style="list-style-type: none"> <li>Small communities cannot absorb growth without corresponding</li> </ul>	<p>Noted.</p>

investment in local infrastructure and services.	The Planning Obligations SPD provides the Council's approach to securing contributions at the planning application stage in accordance with the CIL Regulations tests for planning obligations. The council is in contact with infrastructure providers regarding their infrastructure requirements in respect of current growth for the adopted local plan, and future growth in the emerging new Local Plan, and regularly updates the Infrastructure Delivery Plan.
<ul style="list-style-type: none"> <li>Developer contributions should support youth services, and improvements to local sports, community facilities and shared workspace provision.</li> </ul>	Noted. The CIL Regulations require that planning obligations directly relate to mitigating the impact of new developments. The Green Infrastructure and Open Space chapter includes standards for youth open space. The section "Other Site Specific Measures" provides for planning obligations where necessary including Community Facilities on a case by case basis.
<b>Viability</b>	
<ul style="list-style-type: none"> <li>Earlier discussions with developers about the viability of projects and the potential for increased affordable housing contributions should be emphasised.</li> </ul>	Noted. The SPD makes it clear that it is essential that developers enter into discussion with the Council's planning officers at an early stage regarding the planning obligations that may be required for their development.
<ul style="list-style-type: none"> <li>The increased charges proposed in the SPD have not been subject to Whole Plan viability testing</li> </ul>	<p>The SPD supplements the Local Plan that has been subject to examination and whole plan viability testing in relation to the Local Plan Partial Update.</p> <p>The process for raising viability concerns is set out in detail within the SPD in Part 1.</p>
<ul style="list-style-type: none"> <li>Viability assessments should be independently reviewed and made publicly available. The Council should commit to refusing schemes that are only "viable" by undermining policy or community benefit.</li> </ul>	Viability assessments are available for consideration on the relevant planning application page on the Council's website. Viability Assessments submitted to the Council are independently reviewed by the Council's retained specialist viability consultants. It should be noted that new development contributes to community infrastructure via CIL which is a mandatory charge. Planning obligations can only be required where they meet the CIL Regulation tests.
<b>Process</b>	
<ul style="list-style-type: none"> <li>To ensure obligations are effective and locally relevant, town and parish councils should be consulted at an early stage of the planning process regarding Section 106 requirements</li> </ul>	The S106 negotiations/process is a matter for the LPA. Note: if the Parish Council could at the time of commenting on a planning application provide a list of suggested mitigation that would be helpful even if in principle the Parish Council recommend the application is refused.

<ul style="list-style-type: none"> <li>○ The creation of a publicly accessible database for tracking the use of obligations, and the impact of early, collaborative discussions with developers would enable the advocacy and retention of best practice.</li> </ul>	<p>A publicly accessible database is being developed. This will show S106 obligations and contributions that have been secured, received and available, allocated or spent.</p>
<ul style="list-style-type: none"> <li>○ A website reference to new requirement for self / custom build dwellings (which are exempt from Biodiversity Net Gain requirements) to be subject to a legal agreement to ensure compliance – should be reflected in the SPD. (internal requirement for consistency)</li> </ul>	<p>Proposed Change at new 2.10 to refer to website statement</p> <p><i>“Any application for a self or custom build home must be accompanied by a Section 106 agreement or Section 106 unilateral undertaking. This legal requirement ensures all proposed properties meet the definition set out in the Self Build and Custom Housing Act 2015 (as amended). The S106 agreement acts as a safeguard, confirming that each development genuinely qualifies as a self or custom build project”</i></p>
<p><b>Part 2: Affordable Housing</b></p>	
<ul style="list-style-type: none"> <li>○ The SPD could be improved to consistently seek a higher proportion of affordable housing on developments that the viability assessment shows can support it.</li> </ul>	<p>No change. The B&amp;NES Local Plan Policy CP9 sets out the requirements for affordable housing.</p> <p>Work is currently progressing on a new Local Plan for B&amp;NES which includes reviewing affordable housing policy. The Local Housing Needs Assessment sets out the evidence base for affordable housing requirements within B&amp;NES. Affordable housing requirements will be subject to viability testing as part of the Local Plan process and the policy will be considered by a Planning Inspector at an Examination in Public of the Local Plan.</p>
<ul style="list-style-type: none"> <li>○ The South West Housing Association Planning Consortium (SWHAPC) questioned the Council’s expectation that affordable housing costs should not exceed 35% of gross household income. They pointed out that the Office for National Statistics (ONS) uses a 30% threshold, suggesting the Council should consider this lower ratio to better reflect affordability.</li> </ul>	<p>No change. The principle of a limit is well established (it is also referred to as an affordability test). The level increased from 25% to 35% to ensure that the Council is in line with the Council’s West of England partner authorities.</p>
<ul style="list-style-type: none"> <li>○ SWHAPC noted that the SPD relies on a 2013 Strategic Housing Market Assessment (SHMA) for tenure mix (75% social rent, 25% intermediate), despite more recent assessments</li> </ul>	<p>No change. The Councils expected tenure mix is 75% homes for social rent and 25% intermediate housing. Updated evidence on housing need is being considered through the new Local Plan.</p>

being available. They recommend using the latest evidence to inform policy.	
<ul style="list-style-type: none"> <li>○ The SPD proposes clusters of no more than eight affordable homes per block on larger sites. SWHAPC and developers argue this may not be practical for management and could hinder efficient delivery, suggesting more flexibility (e.g., clusters of 10–15).</li> </ul>	No change. This has been a long established position by the Council.
<ul style="list-style-type: none"> <li>○ Re perpetuity clauses SWHAPC and others argue that this can restrict funding and management flexibility, especially for shared ownership, and may deter investment. They suggest alternative mechanisms, such as recycling public subsidy, to maintain affordable housing stock without rigid perpetuity requirements.</li> </ul>	There is no change to these paragraphs to securing affordable housing in perpetuity from the 2015 adopted SPD – this has been a long established position by the Council
<ul style="list-style-type: none"> <li>○ Support for paragraph 3.1.82 which confirm that the Council will retain appropriate flexibility in applying local policies to 100% affordable housing applications.</li> </ul>	Noted
<ul style="list-style-type: none"> <li>○ Parish councils emphasized the importance of affordable housing for maintaining rural communities and enabling local people to stay in their area. There is concern that over-reliance on developer contributions may not address the true scale of need, especially in rural settings.</li> </ul>	Noted
<ul style="list-style-type: none"> <li>○ Concern regarding affordable housing management occupation issues and challenges.</li> </ul>	These matters are considered to fall outside of the scope of the SPD. This is a matter for the Registered Providers.
<ul style="list-style-type: none"> <li>○ Lack of mention of converting existing properties for housing e.g. spaces above shops and affordable downsizing options for older people for independent living.</li> </ul>	These issues do not fall within the scope of the SPD. The SPD is supplemental guidance to give further clarity on implementation to adopted local plan policies. These are issues to be addressed in Local Plan policy.
<ul style="list-style-type: none"> <li>○ Affordable housing should meet national space standards, with flats making up no more than 25% of social rent units and none of the intermediate (shared ownership) provision; where flats are included,</li> </ul>	Noted. Nationally described space standards are set out in the SPD for affordable housing. Affordable housing tenure mixes are determined in line with evidence base and subject to viability testing.

these should be self-contained with independent access and private outdoor space. Minimum occupancy standards should apply (1 bed/2 persons, 2 bed/4 persons, 3 bed/5 persons, 4 bed/6 persons).	
<ul style="list-style-type: none"> <li>There is concern that the Council's internal space standards for affordable units are not yet adopted policy and should remain guidance until formally included in the Local Plan.</li> </ul>	Nationally Described Space Standards (NDSS) are set out in the Planning Obligations SPD. Affordable housing tenure mixes are determined in line with evidence base and subject to viability testing.
<ul style="list-style-type: none"> <li>Request a clearer definition of 'Affordable Housing' and express a preference for shared ownership as opposed to social rent to help local people get on the property ladder and maintain a local connection.</li> </ul>	<p>The definition of Affordable Housing is set out in national policy. See the National Planning Policy Framework 2024  <a href="https://www.gov.uk/government/publications/national-planning-policy-framework--2">https://www.gov.uk/government/publications/national-planning-policy-framework--2</a></p> <p>Affordable housing tenure mixes are determined in line with evidence base and subject to viability testing.</p>
<ul style="list-style-type: none"> <li>Concern that there are so few Rural Exception Sites. Notes that given public funding 100% affordable housing schemes are feasible. As such open market homes can't be said to cross-subsidise the affordable homes as they would if they were developed and sold by the RP and the profits reinvested in the project.</li> <li>Concern Local Housing Needs surveys underestimate the level of housing need and this should be reflected in the scale of development for Rural Exception Sites.</li> </ul>	<p>Noted.</p> <p>National policy set out the terminology of cross-subsidy.</p>
<b>Transport Infrastructure Works Public Transport</b>	
<ul style="list-style-type: none"> <li>Concern the current process for road adoption by developers does not support walking, wheeling, or cycling.</li> </ul>	No change to this part of the SPD. The draft SPD provides an overview of the transport contributions likely to be sought with cross-references to the more detailed Transport and Development SPD
<ul style="list-style-type: none"> <li>Suggests the Council should develop a local Street Design Guide, referencing Oxfordshire's example.</li> </ul>	This is a detailed design issue – covered in part by existing adopted policies, guidance and national best practice
<ul style="list-style-type: none"> <li>Concern re school transport costs – Suggestions prioritize active travel in new development. Consider</li> </ul>	Noted. The Transport and Development SPD addresses active travel in new development. Planning obligations may only constitute a reason for



improved footpaths could save the council money. And need to upgrade our school mini buses to be more environmental and cost effective.	granting planning permission if they meet legal tests that they are 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.
<ul style="list-style-type: none"> <li>○ Early consultation with Network Rail is essential for developments impacting stations, capacity, and safety at level crossings.</li> <li>○ Suggests developer contributions should fund rail improvements necessitated by development, not Network Rail.</li> </ul>	<p>Noted.</p> <p>Minor edits made to section '3.3 Public Transport' to make it clear this section equally applies to rail including reference to the West of England 10 Year Rail Delivery Plan 2020-2030.</p>
<ul style="list-style-type: none"> <li>○ Public transport contribution is too vague</li> </ul>	The infrastructure or revenue need is assessed on a case by case basis and as such cannot be specific in the SPD
<b>Green Infrastructure</b>	
<ul style="list-style-type: none"> <li>○ Update required - Reference to Greener Places – Green Infrastructure Framework for Bath and North East Somerset 2025 – 2035 removed for consistency with the adopted Local Plan policy.</li> <li>○ Clarification of terminology re green space /open space requested for consistency</li> </ul>	<p>Proposed change. With regards to the Greener Places Green Infrastructure Framework, all references have been removed. Green Infrastructure Standards will be tested via Local Plan allocations and will be subject to viability testing as part of the wider assessment of the Local Plan.</p> <p>Reference to “green space” typologies have been changed to “open space” typologies in line with the NPPF and Green Space Strategy 2015 terminology. Open space covers typologies including allotments.</p>
<ul style="list-style-type: none"> <li>○ Seek clarification that certain green spaces are not appropriate or required for certain types of development. For example, Purpose Built Student Accommodation (PBSA) does not generate a need for children’s play space.</li> </ul>	No change. The SPD makes clear that each application is to be assessed on its merits and only those obligations that are necessary to make the development acceptable in planning terms and meet the CIL Regulation 122 tests will be requested.
<ul style="list-style-type: none"> <li>○ Given the University of Bath masterplan, a different approach must be taken towards development and green infrastructure (GI) provision at the campus- should not seek to apply a generic blanket approach to GI provision in all developments.</li> </ul>	No change. The SPD is clear that the LPA will consider each application on its merits and only those obligations relevant to the specific development proposal will be considered, having regard also to site circumstances.

<ul style="list-style-type: none"> <li>Stronger safeguards are needed to protect villages, green spaces, and landscape character from inappropriate or unsustainable development</li> </ul>	<p>This is not considered to fall within the remit of the SPD. The Local Plan sets the policy framework for new development and the protection of land uses.</p>
<ul style="list-style-type: none"> <li>Concern re significant shortfall in allotment provision, with long waiting lists and developers not providing allotments space on-site. Off-site contributions are seen as ineffective unless deliverable sites are identified.</li> <li>informal food growing should not be a substitute for allotment provision for <u>permanent</u> residents, as there is no long term security and informal schemes have a high failure rate. In such places as care homes, food growing can be imaginatively incorporated in amenity gardens with great success.</li> </ul>	<p>Noted. An Audit of open space including allotments is being undertaken for the new Local Plan.</p> <p>No change. The Local Plan sets policy on Policy LCR9: Increasing the Provision of Local Food Growing.</p>
<ul style="list-style-type: none"> <li>Management plans should be a <u>requirement</u> embedded in a legal agreement or made the subject of a condition, just like for landscaping</li> </ul>	<p>No change. Policy LCR9 states that new allotments must have a site Management Plan. The arrangements for management of open space are subject to S106 obligations.</p>
<ul style="list-style-type: none"> <li>it should be Council policy that all new sites are brought into Council or Parish control (with appropriate maintenance contributions) to secure their long-term future. These sites then would become statutory, under the Allotments Acts, which would give them better protection.</li> </ul>	<p>Noted. Policy LCR8 relates to protecting all allotments.</p>
<b>Tree Replacement</b>	
<ul style="list-style-type: none"> <li>Concerns relate to the enforcement of tree replacement, there cannot be targets to plant trees if we do not enforce when trees are felled but not replaced.</li> </ul>	<p>Noted. This issue is outside the scope of the SPD. For new developments, S106 agreement obligations and management plans cover replacement of trees where they fail.</p>
<b>Biodiversity Net Gain (BNG)</b>	
<ul style="list-style-type: none"> <li>This section exhibits a silo approach to infrastructure. Green Infrastructure could provide opportunities for BNG. Existing allotments could be enhanced or new ones designed in such a way that</li> </ul>	<p>Noted. The Green Infrastructure Standards will be tested via the new Local Plan allocations and will be subject to viability testing as part of the wider assessment of the Local Plan.</p>

<p>BNG is incorporated. This could be an imaginative approach, which in Bath, could significantly enhance urban biodiversity and green links within the city.</p>	
<ul style="list-style-type: none"> <li>○ The requirement for a minimum 10% BNG is a positive move. This should be properly enforced, especially in rural and semi-rural settings where development often fragments wildlife corridors</li> </ul>	<p>Noted. BNG is a statutory requirement.</p> <p>The SPD BNG contains a section on monitoring for on and off site BNG.</p>
<ul style="list-style-type: none"> <li>○ Request addition that the BNG proposed must take account of established parish/community nature recovery strategies.</li> </ul>	<p>Proposed change subject to caveat. New text added to para 3.6.8 ...<i>The gains proposed must prioritise measures set out in the West of England Local Nature Recovery Strategy and where relevant, take account of established parish/community nature recovery strategies*</i>, where <i>*Local provision of off-site BNG is only deliverable if biodiversity enhancement projects are included on the National Biodiversity Gain Site Register (DEFRA, 2024).</i></p>
<ul style="list-style-type: none"> <li>○ It is essential that the BNG policy is kept under review and up to date given consultation by the Government.</li> <li>○ the delivery of mandatory 10% Biodiversity Net Gain is proving challenging for some developers – notably re brownfield sites with open mosaic habitats and those needing to purchase off-site water units.</li> </ul>	<p>The government response to its consultation on BNG changes is expected in Summer 2026, obligations will be reviewed in line with changes in legislation.</p> <p>The identification of high distinctiveness baseline habitats, particularly open mosaic habitat on development sites is recommended early in the process and contact made with the LPA to discuss options.</p>
<p><b>Carbon Offsetting</b></p>	
<ul style="list-style-type: none"> <li>○ Achieving the energy use intensity target in PBSA will not be technically feasible, as student accommodation inherently has a greater energy intensity than domestic residential development.</li> <li>○ For PBSA offset contributions will have a fundamental effect on the viability and would fail to meet the tests set out in Community Infrastructure Levy Regulation 122, including being “fairly and reasonably related in scale and kind to the development”.</li> <li>○ Using an averaged carbon factor value offers the ability to fairly take</li> </ul>	<p>The carbon offset trigger included in policy SCR6 is required when the renewable energy generation is not equal to or higher than the EUI of the building, it is not triggered when the EUI cannot be met.</p> <p>It is acknowledged that different building typologies have different energy requirements and constraints, and the policy requirements are considered on a case-by-case basis. However, the evidence indicates that the proposed updated offset price is not unviable.</p> <p>The updated price moves away from the requirement for carbon factors (tCO<sub>2</sub>e) to be used in calculating emissions from energy use to ensure a greater</p>

<p>account of the established principle that the grid is decarbonising.</p> <ul style="list-style-type: none"> <li>It is unreasonable for the calculation to be based on the year that planning permission is sought or granted where the development is not anticipated to be in use that same year. There is a rapid decrease in consumption expected in the coming years and planning obligations should not be sought against an earlier date when the consumption at the time of a development being in use could be substantially lower.</li> </ul>	<p>degree of consistency and accuracy. Requiring net zero energy use in development considers a constant metric that helps ensure that new development doesn't avoid its climate emergency responsibilities by relying on a decarbonising grid. The proposed updated price is based on evidence and calculations specific to the B&amp;NES district and considers the maintenance costs of offsetting work, opposed to the BEIS' carbon values which are UK wide and exclude the ongoing maintenance costs.</p>
<ul style="list-style-type: none"> <li>the SPD should not seek to limit offset contributions to a single fund but instead set the overarching objective and provide flexibility for applicants to demonstrate how that objective is to be met.</li> </ul>	<p>No change. The Local Plan policy which was subject to examination requires that the offsetting contribution is paid into the Council's carbon offset fund.</p>
<ul style="list-style-type: none"> <li>Requests worked examples of carbon offsetting</li> </ul>	<p>Noted. The suggestion for the inclusion of a worked example demonstrating the financial contributions and calculations for carbon offsetting is noted and this will be explored.</p>
<p><b>Targeted Recruitment and Training (TR&amp;T)</b></p>	
<ul style="list-style-type: none"> <li>A relatively common requirement is a planning condition which requires the submission and approval of a 'Local Labour Agreement'. The developer is required to then work with education institutions, the local supply chain network and other organisations in order to realise local economic benefits from the proposed development. A broad approach along such lines would be supported.</li> </ul>	<p>Noted.</p>
<ul style="list-style-type: none"> <li>It is not appropriate or considered CIL Reg 122 compliant to require contributions towards TR&amp;T</li> <li>It is not for the LPA to prescribe financial contributions relating to this process; indeed, the terms and conditions of the apprenticeships' appointment, as well as the arrangement for reimbursement of</li> </ul>	<p>No change. The principle of the contribution has been considered in planning appeals and considered to be compliant with the CIL Regulation 122.</p> <p>The contributions do not overlap with any of the proposed functions of the developer and is a reasonable requirement for the Council to secure in carrying out its function.</p>

any expenses incurred is a matter for agreement between the developer and the apprentice, not the local planning authority.	
<ul style="list-style-type: none"> <li>Request that given the changes in apprenticeships and training opportunities, the SPD refers to broader opportunities for training and skills progression albeit related to the site's development and construction.</li> </ul>	Proposed Change to paragraphs 3.9.12 and 3.9.13 to reflect that contributions can be made to similar training opportunities and skills progression related to the site's development/construction.
<b>Education Provision</b>	
<ul style="list-style-type: none"> <li>Clarification required regarding the rationale and threshold for requesting education contributions</li> </ul>	<p>Proposed changes:</p> <p>Amend para 3.10.1 to refer to policy LCR3A relating to Primary School Capacity.</p> <p>Amend paragraph 3.10.3 in the consultation draft document making clear that the requirement for development to provide contributions to school places could be required on large developments with a net increase of 10 units and above and where there is insufficient school capacity to support the development.</p> <p>It is noted that the requirement would only apply to dwellings of 2 beds or more.</p>
<ul style="list-style-type: none"> <li>Education Service has provided updated costs associated with new build and expansion projects based on data provided from Government</li> </ul>	Proposed Changes made to tables. The national information regarding the costs associated with new build and expansion projects change frequently. The costs have been updated.
<ul style="list-style-type: none"> <li>Questions how SEND places can be accommodated within mainstream schools.</li> <li>Questions calculations for SEND places and queries how SEND can be planned when the actual number of pupils with SEND cannot be known</li> </ul>	<p>Noted. There have been adaptations/ extensions to mainstream schools to include SEND resource bases. There is a programme of SEND projects being undertaken by the Council.</p> <p>While there are a number of different types of SEND facility, the pupil yield has been established based on SEND pupil yield data in the district.</p>
<ul style="list-style-type: none"> <li>Considers home to SEND facilities transport unlikely to be subject to S106.</li> </ul>	<p>Proposed change to text on home to school transport to clarify that school transport relates to <u>mainstream</u> schools – due to the wide variety of SEND schools and locations. Proposed wording:</p> <p>3.10.9. Where a development will result in the need to transport pupils to <u>mainstream</u> primary or secondary school including sixth form, contributions</p>

	towards this will be required through planning obligations
<ul style="list-style-type: none"> <li>○ Concern that the Government cost multipliers represent a guide only and that developers will be expected to pay the full cost of delivering the finished new school, including the provision of all furniture and equipment. They should not be treated as a guide only but as a maximum contribution where applicable.</li> </ul>	<p>No change. The DfE expects local authorities to seek developer contributions towards school places to meet the need arising from housing development.</p> <p>The costs including the provision of all furniture has been established in previous iterations of the SPD, and for new build cases, these are considered on a case-by-case basis.</p> <p>The build costs change regularly based on national data.</p>
<ul style="list-style-type: none"> <li>○ Reference to significant change in demographics with the birthrate falling across the country.</li> </ul>	<p>It is accepted that the birth rate is falling. The Council's projected pupil numbers reflect demographic changes. The forecast spare capacity of existing schools, based on projected pupil numbers, is taken into account in calculating the need for new school places.</p>
<ul style="list-style-type: none"> <li>○ Concern that "developer contributions are required to be made in full prior to or on commencement of development". Considered unnecessary and concern re implications for the viability of large developments.</li> </ul>	<p>No change. It is important that school places are provided prior to occupation of dwellings. The SPD makes clear that viability evidence can be taken into account in specific circumstances.</p>
<b>Healthcare Facilities</b>	
<ul style="list-style-type: none"> <li>○ Some developers question whether S106 healthcare contributions are justified given NHS funding mechanisms.</li> </ul>	<p>The Council is content that new housing development increases the overall population of the area and that the increased population will place increased demands for healthcare, including new healthcare services and facilities to meet this need. New development will need to make a proportionate contribution to funding the healthcare needs arising from new population.</p> <p>Operational aspects of primary healthcare space, including at GP surgeries, means that community workers from acute and social care sectors are required to operate from primary care settings.</p>
<ul style="list-style-type: none"> <li>○ Notes the SPD does not recognise that more health conscientious planning can not only prevent, reduce and delay the need for clinical intervention and social care, but can also build health and social care in through good urban design.</li> </ul>	<p>Good urban design is a Local Plan policy issue and is not within the scope of the SPD which supplements the Local Plan. As the point above states, to meet the additional demand generated by new development and population, health infrastructure will require improvement, and in some</p>

	cases the provision of new infrastructure will be required.
<ul style="list-style-type: none"> <li>○ Requests easy access to primary care facilities and cites Ensleigh where there is no bus service to the GP surgery and parking by the surgery is restricted to residents only</li> </ul>	Noted. More detailed transport accessibility measures and parking standards are contained within the Local Plan policy and Transport and Development SPD.
<ul style="list-style-type: none"> <li>○ Lower trigger for health obligations from 50 to 40 there are areas where the demographic is older and have a higher PC health requirement.</li> </ul>	The Government is proposing a medium scale development of 10-49 dwellings and large scale development of 50 dwellings or more, due to viability issues. In most cases, developer contributions towards maintaining and providing key infrastructure including healthcare facilities) will be covered through CIL, although some developments may create specific infrastructure needs which the council will seek to address through planning obligations on a case-by-case basis.
<ul style="list-style-type: none"> <li>○ The ICB supports the inclusion of the Health Facilities section of the draft SPD and that it aligns with the ICB's adopted methodology for calculating financial contributions.</li> <li>○ Welcomes the requirement to consult with BSW ICB when assessing the impact on local health infrastructure.</li> <li>○ It is noted that the trigger in respect of health facilities for new residential developments has been decreased to 50 dwellings or more in paragraph</li> </ul>	Noted
<ul style="list-style-type: none"> <li>○ Concern regarding the trigger for PBSA / shared living</li> </ul>	Noted. It is important to note that if the notional equivalent of 50 dwellings is triggered in the calculation then the total population of the communal establishment will be applied in the formula, as in the case of the dwellings' occupation ratio.
<ul style="list-style-type: none"> <li>○ Request that Bath University PBSA development does not make contributions in the same way as other residential developments, given that the University has a student medical centre on campus for the use of students either on campus or off campus.</li> </ul>	<p>The NHS advises that the University Medical Practice is currently experiencing a capacity deficit. There is also limited scope to extend or reconfigure the existing premises. This means a new student population moving in close proximity to the site, would further exacerbate this deficit, and mitigation would be sought to address this new population to ensure the proposals are sustainable.</p> <p>University students are predominantly the main users of the medical centre and the practice specialises in student health services. However, the practice also delivers the core primary care services that would be</p>

	<p>expected from any other GP practice which local residents of all age groups are registered to use.</p> <p>It is noted that the medical centre is a separate leasehold status from the University main campus therefore the University does not have full control over the centre.</p>
<ul style="list-style-type: none"> <li>○ Concern that Healthcare Facilities section relates to primary care. Trust requests that the SPD explicitly recognises acute healthcare infrastructure alongside primary care, and request to include specific reference to hospital infrastructure in the list of healthcare facilities that may require enhancement or expansion to accommodate development</li> <li>○ The Trust is actively updating its Estate Strategy to meet increasing clinical demands resulting from housing growth and demographic change and can provide evidence-based metrics for calculating the impact of new development on hospital services.</li> </ul>	<p>Noted.</p> <p>Proposed change to note the NHS 10 Year Plan which prioritises neighbourhood hubs, 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.</p> <p>The development of the Estates Strategy is noted. The council will continue to work with the RUH NHS Trust and stakeholders on infrastructure matters.</p>
<ul style="list-style-type: none"> <li>○ Health Impact - should dentists or pharmacy provision be included?</li> </ul>	<p>Noted.</p> <p>The floorspace requirements set out by the NHS in this SPD are focused on the need for GP space. Additional requirements for other services commissioned by the B&amp;NES, Swindon and Wiltshire Integrated Care Board (ICB), such as Pharmacy, Optometry, and Dentistry (POD), will need to be reviewed on a case-by-case basis. The POD services have different contractual arrangements from GP surgeries.</p> <p>For reference there is a B&amp;NES Pharmaceutical Needs Assessment (PNA) which is regularly updated. The latest assessment undertaken for the period 2025-28 concludes that there is no gap in provision of pharmaceutical services in B&amp;NES and that there are sufficient pharmacies to provide for the current and expected population during the lifetime of the PNA.</p> <p>The SPD was prepared in consultation with the ICB and NHS Property Services Ltd. One of the aims the SPD is to provide certainty around the type and nature of likely obligations having regard to policy</p>



	requirements within the adopted local plan. The new Local Plan will take account of any new evidence on the need for, and form of, healthcare infrastructure required to serve the district.
<b>Other Site Specific Measures</b>	
<ul style="list-style-type: none"> <li>○ developer contributions should support improvements to community facilities.</li> </ul>	<p>Noted.</p> <p>CIL is the mechanism for addressing the cumulative impact on infrastructure in an area, while planning obligations will be appropriate for funding a project that is directly related to that specific development. CIL has contributed to a community facility in Radstock, and Parish Councils have used Local CIL to fund improvements to community spaces.</p> <p>For strategic-scale developments, a new development may generate the need for a community facility that will need to be addressed as part of the development, depending on the scale and impact of the proposed development. These will be assessed on a site by site basis and through the new Local Plan allocation process. There will be opportunities for co-location of services and for groups to use the facility.</p>
<ul style="list-style-type: none"> <li>○ Suggests inclusion of infrastructure such as Cemeteries, Town Centres; Public realm enhancements, environmental improvements, and shared workspace</li> </ul>	<p>It is not possible to identify all material considerations or matters that may require mitigation to make a development acceptable for every potential development scenario. There is a chapter on “Other Site Specific Measures”.</p> <p>It should be noted that strategic infrastructure such as cemeteries public realm and environmental improvements have been funded by CIL.</p> <p>Local Plan allocations include criteria relating to public realm.</p>
<ul style="list-style-type: none"> <li>○ lack of statutory provision for Gypsy/Traveller pitches. Suggestions: Integrate Gypsy/Traveller pitches into larger schemes to meet statutory requirements.</li> </ul>	<p>This issue is not considered to fall within the scope of the Planning Obligations SPD.</p>
<ul style="list-style-type: none"> <li>○ To ensure that flood risk and climate change resilience are fully reflected in this section, we recommend the following enhancements.</li> <li>○ <u>Strengthen Link to Policy CP5: Flood Risk Management</u> Provide a direct reference to Policy CP5, which currently states: Any development in</li> </ul>	<p>As the SPD supplements the Local Plan with further detail and Policy CP5 – Flood Risk Management requires drainage and flood risk mitigation measures including the provision to maintain or upgrade flood defences if required or provide contributions if necessary, it is not considered necessary to repeat this within the SPD. However, for convenience Policy CP5 has been cross referenced.</p>

<p>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. In addition, include the following clause: In addition, where existing defences are in place, provisions must be made to maintain or upgrade them if required, to be compatible with climate change predictions of increased river flows.</p> <ul style="list-style-type: none"> <li>○ <u>Embed Climate Change and Flood Risk Considerations</u> Insert a new subsection or bullet under Section 3.12 along these lines: Flood Risk and Climate Change Resilience Reference should be made to the increased flood risk arising from climate change, how this will impact developments, and the need for these risks to be planned for and funded. Ensuring that current and future flood risk is properly considered and mitigated against is an important factor influencing the location of development and the resilience of communities to climate change.</li> <li>○ <u>Bath Flood Protection Scheme</u> Add a note highlighting the future of the Bath Flood Protection Scheme: The Bath Flood Protection Scheme is reaching the end of its life and may need replacing, removal, or improvement. This will be reviewed under the River Avon at Bath Flood and Coastal Risk Management Strategy starting in 2025. Where new developments will benefit from these assets, developers may be required to contribute towards their maintenance, improvement, or replacement through planning obligations.</li> </ul>	<p>It is important to note that planning obligations can only be required to mitigate impact attributable to new development, and cannot be required to remedy existing deficiencies.</p> <p>In relation to the point relating to Climate Change and Flood Risk Considerations, reference to the increased flood risk arising from climate change, how this will impact developments, and the need for these risks to be planned for and funded will be a matter for the new Local Plan. New policy cannot be introduced via the SPD.</p> <p>Noted. The funding of strategic flood defences arising from the River Avon at Bath Flood and Coastal Risk Management Strategy will need to be considered as part of the study, and the new Local Plan which has a plan period of 2025-2043 and approach to developer requirements and obligations.</p>
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