

Bath & North East Somerset Council

Planning Obligations SPD

Sustainability Appraisal

June 2009



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Appendix 1: Policy Review

Appendix 2: Consultation Responses

Forward

Bath and North East Somerset Council has produced a Planning Obligations Supplementary Planning Document (SPD) to expand and supplement the existing Local Plan policies in order to achieve the aims set out in the plan, to secure developer contributions to the 5 key areas of affordable housing, children's services and life long learning, sustainable transport, green space and Sport & Recreation.

Under the Planning and Compulsory Purchase Act 2004, Sustainability Appraisal (SA) is mandatory for all Supplementary Planning Documents, which form part of the Local Development Framework (LDF). A Strategic Environmental Assessment is also required under European Directive 2001/42/EC 'on the assessment of certain plans and programmes on the environment'.

This SA is being published in support of the final Bath and North East Somerset Planning Obligations Supplementary Planning Document (SPD).

1.0 Introduction

- 1.1 Bath and North East Somerset Council has appointed Cushman & Wakefield to work with them to produce a Planning Obligations Supplementary Planning Document (SPD) and a Sustainability Appraisal of the process, for the Bath and North East Somerset District.
- 1.2 The work involves a full SA / SEA of the draft SPD, to comply with the requirements of the Planning and Compulsory Purchase Act 2004 and the European Directive 2001/42/EC (the SEA Directive). To achieve this the November 2005 ODPM guidance: '*Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents*' (hereafter 'the Guidance' or 'the SA Guidance') will be followed. This report presents the findings of this process.
- 1.3 The report is structured as follows:
- **Chapter 2** provides a background to the SPD and the associated Sustainability Appraisal, including the planning and policy context;
 - **Chapter 3** outlines the approach taken and the methodology for carrying out a Sustainability Appraisal of the Planning Obligations SPD;
 - **Chapter 4** provides a review of the relationship between the SPD and other plans, policies, programmes and sustainability objectives;
 - **Chapter 5** presents the baseline information associated with each of the topics covered by the SPD and outlines the key baseline characteristics for B&NES;
 - **Chapter 6** identifies any sustainability issues associated with the topics covered by the SPD;
 - **Chapter 7** outlines the SA framework and associated objectives;
 - **Chapter 8** summarises the key findings from the consultation process;
 - **Chapter 9** tests the SPD objectives against the SA framework using a matrix, which highlights the compatibility of the SPD objectives with the principles of sustainable development set out in the framework;
 - **Chapter 10** develops and discusses the SPD options;
 - **Chapter 11** predicts and evaluates the effects of the SPD on B&NES;
 - **Chapter 12** provides suggestions for mitigation measures that would help to reduce any adverse effects identified and maximise beneficial effects; and
 - **Chapter 13** proposes measures to monitor the effects of implementing the SPD.

2.0 Background

Planning Context

- 2.1 This SA will support the Supplementary Planning Document (SPD) Planning Contributions (section 106 agreements) for Bath & North East Somerset. In line with the criteria set out in Planning Policy Statement (PPS) 12 the SPD is consistent with national and regional policies as well as (in the absence of an adopted Core Strategy) the Bath & North East Somerset Local Plan that forms the basis of the existing local statutory policies that flow from national and regional policy. These policies through time will be superseded by the emerging development plan document - the Core Strategy.
- 2.2 The SPD document will expand and supplement the existing Local Plan policies in order to achieve the aims set out in the plan, to secure developer contributions to the 5 key areas of affordable housing, children's services and life long learning, sustainable transport, green space and Sport & Recreation.
- 2.3 The principal policy of the Local Plan, which sets out the need and circumstances in which developer contributions are sought is policy IMP.1:

Policy Imp.1:

In determining planning applications, Planning Obligations under section 106 of the Town and Country Planning Act 1990 may be sought:

i) where a particular form of development is required to comply with policy; or

ii) to provide compensatory provision for what is lost or damaged as a result of the development; or

iii) to mitigate an otherwise unacceptable impact of the development on local facilities and infrastructure; or

iv) to overcome any other identified harm which would make the development otherwise unacceptable.

The Planning Obligations SPD

- 2.4 The Planning Obligations SPD forms part of the Bath and North East Somerset Local Development Framework (LDF). Planning obligations are legal agreements between the planning authority and the developers which are entered into when planning permissions are granted. A planning obligation can be used in four ways:
- To restrict the development or use of land in a specific way;
 - To require specific operations to be carried out;
 - To require land to be used in a specific way; or
 - To require sums of money to be paid to the authority for improvements to/creation of services associated with any development.

- 2.5 The SPD covers affordable housing; children’s services and life long learning; sustainable transport; green space; and sports and leisure. The SPD also clarifies when planning obligations will be negotiated and what benefits will be sought.

SA/SEA and its Application to the SPD

- 2.6 Under the Planning and Compulsory Purchase Act 2004, Local Authorities must undertake SA for each Development Plan Document (DPD) and Supplementary Planning Document (SPD) produced as part of their Local Development Framework (LDF), which includes the Bath & North East Somerset Draft Core Strategy.
- 2.7 The European Directive 2001/42/EC (i.e. the SEA Directive) requires the systematic identification and evaluation of the environmental impacts of a strategic action (e.g. a plan or programme). The SEA Directive (2001/42/EC) entered into force in the UK on 20 July 2004¹ and applies to a range of English plans and programmes, including town and country planning and land use plans.
- 2.8 Although the requirements to carry out SA and SEA are distinct, DCLG advised that it is possible to satisfy both through a single appraisal process. In November 2005 they published guidance (‘the SA Guidance’) which suggests a process and methodology for achieving this in practice.
- 2.9 This methodology extends the normal scope of SEA (primarily focused on environmental effects) to include all sustainability-related issues, i.e. social, economic and environmental. Nonetheless, the guidance states that those undertaking the SA should ensure that in doing so they meet the requirements of the SEA Directive.
- 2.10 The guidance does not guarantee compliance with the directive therefore, in order to ensure that this SA/SEA report complies with the legislation, a checklist of the Directive requirements will be included in the appendices of the final Sustainability Appraisal.

¹ Through the Environmental Assessment of Plans and Programmes Regulations 2004

3.0 Approach and Methodology

Approach to the Report

- 3.1 A Sustainability Appraisal Scoping Report has been prepared by Bath and North East Somerset for the purpose of assessing their emerging Core Strategy, and sets out a framework of sustainable development objectives and criteria relevant to B&NES. This document has been the subject of formal consultation. The Council is now in the process of finalising the scoping report, but no further amendments to the sustainability framework it sets out are currently envisaged. It is therefore considered that the framework of sustainability objectives and criteria as set out in that Scoping report provides a suitable basis for assessment of the Planning Obligations SPD. A scoping report following this approach has been prepared and was the subject of formal consultation in January 2008.

Methodology

- 3.2 The SA Guidance², which will be followed for the purpose of this study, advocates a five-stage approach to undertaking SA. Figure 1 below outlines this approach:

Stage A

- 3.3 Stage A is the 'Scoping' phase of the assessment, the findings from which have been described in a formal Scoping Report, which was the subject of formal consultation in January 2008. The final SA report has been adapted to incorporate the comments and suggestions arising from the consultation process.

Stage B

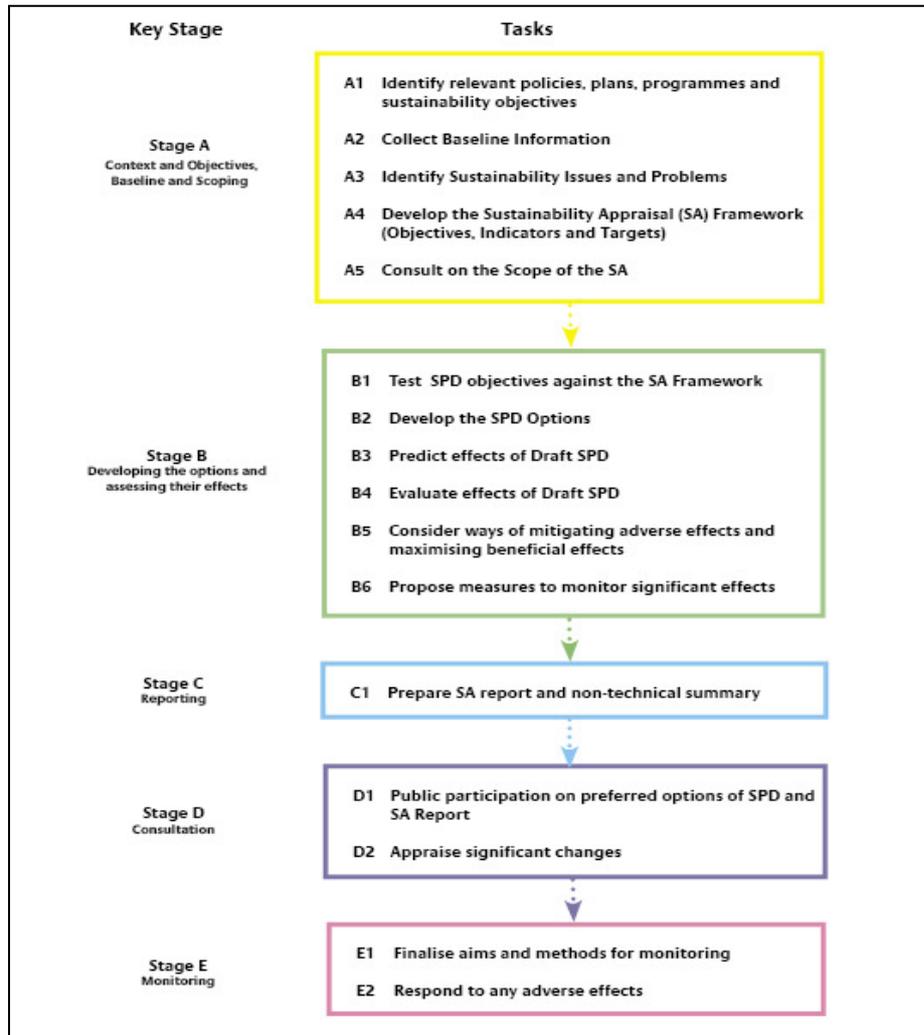
- 3.4 This stage of the process involves the development and improvement of the SPD options, assessing the effects of the SPD and developing suitable measures for the mitigation of any identified effects. Stage B builds on the outcomes of the scoping process and uses the framework of sustainability objectives developed during scoping to assess the environmental, social and economic effects of the SPD and to propose mitigation measures for any significant effects.

Stage C

- 3.5 The final SA report forms stage C of the methodology.
- 3.6 Although the tasks of the SA process are presented in a sequential order in the Guidance (and this report), it should be noted that SA/SEA is an iterative process, with many of the tasks undertaken concurrently to inform each other towards a comprehensive assessment of the effects of the plan proposals.

² ODPM (2005) Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents

Figure 1: Sustainability Appraisal Methodology



4.0 Task A1: Relationship to Other Policies, Plans, Programmes and Sustainability Objectives (PPPSIs)

Methodology

- 4.1 As part of the SA for the B&NES Core Strategy, a comprehensive review of relevant plans, policies and programmes has taken place.
- 4.2 This section draws on those policy assessments, reviewing the contents and updating the information where necessary to reflect the latest policy developments.
- 4.3 Table 1 presents a list of all those PPPSIs which are relevant to the B&NES Planning Obligations SPD:

Table 1: List of the Plans, Policies and Programmes Reviewed

International Policy	<ul style="list-style-type: none"> • The World Summit on Sustainable Development, Johannesburg, (September 2002). Comments arising from Johannesburg Summit • A Sustainable Europe for a Better World: A European Union Strategy for Sustainable Development 2001 • EU Air Quality Framework and Daughter Directives • EU Directive 79/409/EEC on the Conservation of Wild Birds • EU Directive on the Conservation of Natural Habitats of Wild Fauna and Flora (The Habitats Directive 1992) • Managing Natura 2000 Sites. The Provisions of Article 6 of the Habitats Directive 92/43/EEC • European Biodiversity Strategy • The Convention on Biological Diversity • Ramsar Convention on Wetlands • Kyoto Protocol to the United Nations Framework Convention on Climate Change • European Landscape Convention • 98/15/EEC: Urban Waste Water Treatment Directive • European Spatial Development Perspective • EU Manual on Strategic Environmental Assessment of Transport Infrastructure Plans • 2006/12/EC: Waste Framework Directive
National Planning Policy	<ul style="list-style-type: none"> • PPS1: Creating Sustainable Communities • PPS1 Addendum. Planning and Climate Change • PPG2: Green Belts • PPS3: Housing • PPS6: Planning for Town Centres • PPS7: Sustainable Development in Rural Areas • PPS9: Biodiversity and Geological Conservation • PPS10: Planning for Sustainable Waste Management

	<ul style="list-style-type: none"> • PPG13: Transport • PPG17: Planning for Open Space, Sport and Recreation • PPS23: Planning and Pollution Control • PPS25: Development and Flood Risk
<p>Other National Policy</p>	<ul style="list-style-type: none"> • Securing the Future: Delivering UK Sustainable Development Strategy • Sustainable Communities: Delivering Through Planning 2002 • Sustainable Communities: Building for the Future • A Better Quality of Life, A Strategy for Sustainable Development in the UK • Urban White Paper – Our Towns and Cities – The Future • Rural White Paper: Our Countryside – The Future – A Fair Deal for Rural England • Strong and Prosperous Communities • Rural Strategy 2004 • The Environment Act 1995 Part IV • The Air Quality Strategy for England, Scotland, Wales and Northern Ireland • The Urban Environment (26th Report) • Government DfT 10 Year Transport Plan 2000 • Transport White Paper: The Future of Transport. A Network for 2030 • UK Biodiversity Action Plan • Wildlife and Countryside Act 1981 (as amended) • Conservation (Natural Habitats, &c.) Regulations 1994. And the Conservation (Natural Habitats, &c.) (Amendment) (England) Regulations 2000 • Working with the Grain of Nature: A Biodiversity Strategy for England • Natural England and Rural Communities Act 2006 • Countryside and Rights of Way Act 2000 • Building a Greener Future: Towards Zero Carbon Development • Draft Climate Change Bill • Strong and Prosperous Communities. Local Government White Paper • Climate Change: The UK Programme • Environmental Quality in Spatial Planning • The Planning Response to Climate Change – Advice on Better Practice • Leading the Way: How Local Authorities can Meet the Challenge of Climate Change • Stern Review Report on the Economics of Climate Change • The Countryside in and Around Towns: A Vision for Connecting Town and Country in Pursuit of Sustainable Development • Planning Principles for Landscape, Access and Recreation Planning. Position Statement • Planning for Town Centres: Guidance on Design and Implementation Tools 2005 • Circular 06/98: Planning and Affordable Housing • Delivering Affordable Housing • Sustainable Communities: Homes For All (5 year plan) • Sustainable Communities: Settled Homes, Changing Lives. A Strategy for Tackling Homelessness.

	<ul style="list-style-type: none"> • White Paper: Choosing Health; Making Healthier Choices easier • The South West Plan for Sport • Learning to Last: Sustainable Development Children's services and life long learning Strategy
<p>Regional Policy</p>	<ul style="list-style-type: none"> • Regional Planning Guidance for the South West (RPG10) • Draft Regional Spatial Strategy for the South West 2006-2026 • Strategic Sustainability Assessment of the South West Regional Spatial Strategy • A Sustainable Future for the South West – The Regional Sustainable Development Framework for the South West of England • A Regional Strategy for the South West Environment Network 2004-2014 • 'Just Connect' An Integrated Regional Strategy for the South West • Our Environment, Our Future • Regional Transport Strategy • Final Joint Local Transport Plan 2006. • Action for Biodiversity in the South West – A Series of Habitat and Species Plans to Guide Delivery • South West Climate Change Impacts Scoping Study: 'Warming to the idea' • South West Sustainability Checklist for Developments (consultation document) • South West Regional Housing Strategy 2002-2005 • The Sustainable Communities Plan for the South West • Green Infrastructure in the West of England • Forest of Avon Plan
<p>Local Policy</p>	<ul style="list-style-type: none"> • Bath Local Plan • Bath and North East Somerset (B&NES) Local Plan (including waste policies as proposed to change 2006) • B&NES Revised Deposit Local Plan Sustainable Development Appraisal • B&NES Corporate Plan • BE Better For Everyone, the Community Strategy for B&NES 2004 and Beyond • B&NES Statement of Community Involvement (emerging) • B&NES Air Quality Action Plan • Review and Assessment of Air Quality Round 2 • B&NES Air Quality Strategy • B&NES Local Biodiversity Action Plan • B&NES Environmental Sustainability Strategic Framework 2006 • B&NES Position Statement on Environmental Sustainability • City of Bath World Heritage Site Management Plan 2003-2009 • Cotswolds Area of outstanding Natural Beauty Management Plan • B&NES Green Space Strategy • Bath City-wide Character Appraisal as a Supplementary Planning Document (SPD) • Keynsham Conservation Area Character Assessment • Claverton Conservation Area Character Appraisal • Freshford and Sharpstone Conservation Area Character Appraisal (SPD)

- Midsomer Norton and Welton Conservation Area Character Appraisal Supplementary Planning Guidance (SPG)
- Paulton Conservation Area Character Appraisal (SPG)
- Chew Magna Conservation Area Character Appraisal (SPG)
- Rural Landscapes of B&NES: A Landscape Character Assessment SPG
- B&NES Economic Development Strategy
- B&NES Draft Housing Strategy 2005-2010
- B&NES Draft Affordable Housing Delivery Plan
- B&NES SPG: Affordable Housing
- B&NES Contaminated Land Inspection Strategy
- B&NES Development of Potentially Contaminated Land. Guidance Note for Developers, Agents and Consultants
- B&NES Community Strategy
- B&NES Plan Strategy 2006-2012
- Get Active Vision for Sport and Active Leisure 2005-2010
- B&NES Bus Strategy
- B&NES Cycling Strategy
- B&NES Walking Strategy

5.0 Task A2: Collecting Baseline Information

Methodology

- 5.1 The SPD focuses on only a small number of the topics covered by the Core Strategy. The baseline results for the topics relevant to the SPD can be found in **Appendix 1**.
- 5.2 The topics covered in this section of the SA and the SPD have been determined through discussions with the Council and continuous feedback to and from all other scoping tasks and the range of issues reflects:
- Key issues identified through the review of the policy context
 - Issues identified as relevant through the review of baseline conditions in the area
 - Consultation responses on the draft SPD
 - Responses from further informal consultation with various stakeholders in B&NES
 - The issues covered in the SA framework

Summary of Key Characteristics associated with the Environmental, Social and Economic baseline Data

- 5.3 Table 2 summarises the key findings from the review of baseline conditions in B&NES

Table 2: Baseline Review Key Characteristics

Baseline Topic	Key Characteristics
Affordable Housing	<ul style="list-style-type: none"> • A housing needs survey for the West of England sub region was undertaken. • The most dominant group of households in B&NES is newly forming households who could not afford to buy. • Nearly half the overall need for affordable housing in B&NES is concentrated in Bath City. • It is estimated that there are 71,400 dwellings in B&NES with 1,600 of these found to be vacant, 3,300 found to be unfit and 8,800 in substantial disrepair. • Housing stock in B&NES is older than the national average and there is a close correlation between disrepair and low-income. • Housing Association and privately rented stock was found to be in a significantly worse state of repair than owner occupied property.
Children's services and life long learning	<ul style="list-style-type: none"> • B&NES has a 0-15 year population of approximately 30,815 (2001 census). • There are no maintained nursery schools within B&NES but nine of the primary schools in the area admit children to a LEA nursery class. • The Council maintains five special schools within B&NES • In 2002, the Council maintained 68 primary schools and 13 secondary schools. Several of these secondary schools have been designated as specialist schools for arts, business and enterprise, science and engineering, sport, and technology.

Baseline Topic	Key Characteristics
Transport	<ul style="list-style-type: none"> • Major trunk roads the A4, A36 and A46 pass directly through the centre of Bath causing an unacceptable level of through traffic. • In 2002, 22% of resident employees in Bath walked to work, 50% of resident employees travelled by car and 9% by bus. • There is a low level of cycling within Bath, due mainly to heavy traffic volumes, the lack of cycle networks and steep hills, but a relatively higher proportion of movements by foot despite gradients and busy roads. • Use of the bus network is increasing within the urban area. There are widening opportunities for bus travel to local destinations and inter-urban corridors. • There are four railway stations in Bath and North East Somerset; Keynsham, Oldfield Park, Bath Spa and Freshford. Bath has good rail links to London, Bristol and South Wales. • There are three park & ride schemes in Bath with a total capacity of over 2,000 spaces. A further 600 spaces are available on Saturdays at the University of Bath. • The A4 along the London Road (Bath) was designated an Air Quality Management Area (AQMA) in 2002 because of Nitrogen Dioxide (NO₂) concentrations. • The AQMA was extended in 2005 because there was a risk that national air quality standards would not be met by the target date. • 71% of the emissions come from transport, with the majority specifically related to heavy goods vehicles heading to and from the South Coast ports.
Green Space	<ul style="list-style-type: none"> • There are four sites with international designations; three sites are designated as Special Areas of Conservation (SAC) and one site is designated as a Special Protection Area (SPA). • There are 22 Sites of Special Scientific Interest (SSSI) within the district and over 300 locally designated sites including Sites of Nature Conservation Interest (SNCI), Regionally Important Geological Sites (RIGS), Local Nature Reserves, Strategic Nature Areas and Biodiversity Action Plan (BAP) sites. • Bath is the only area in the district where <i>formal</i> provision of green space is above the draft standard of 1.5 ha per 1000 of the population, as set out in the Green Space Strategy. • Keynsham, Norton Radstock and Bath all have sufficient <i>natural</i> green space provision, when compared to the draft standard. • None of the areas in the district appear to have sufficient allotment space when compared to the draft standard.
Play Services	<ul style="list-style-type: none"> • Lack of both physical and social links between communities living in new housing and older housing has led to high levels of anti-social behaviour and difficulties for children in playing safely in communal play areas.

Baseline Topic	Key Characteristics
<p>Sport and Recreation</p>	<ul style="list-style-type: none"> • Bath and North East Somerset has a strong cultural heritage in regards to sport and active leisure. Participation in physical activity is amongst the highest in the country and physical children's services and life long learning in schools is very strong. • However, with the exception of Bath University, the sporting facilities provision in the District is outdated and no longer fit for purpose. • With the growth levels expected in Bath and North East Somerset over the coming years, demand for high quality services and facilities will only increase.

6.0 Identified Sustainability Issues

Methodology

- 6.1 Table 3 below presents a list of sustainable development issues that have emerged from the review of PPSIs relevant to the B&NES. It was recognised that these issues will need to be taken into consideration in the assessment of the draft SPD.
- 6.2 Based on the review of baseline conditions in the study area, Table 1 (Section 4) presents a list of key characteristics regarding B&NES. This list and its contents was refined and adapted throughout the scoping process, using feedback to and from all of the other tasks.
- 6.3 These two sets of issues have been used to develop a framework suitable for assessing the draft B&NES Planning Obligations SPD (see Task A4, section 7).

Table 3: Key Sustainability Issues

Baseline Topic	Key Issues
Affordable Housing	<ul style="list-style-type: none"> • House prices in BNES are significantly higher than the regional, sub-regional and national average. • Increased problems regarding affordability. • Drop in the number of local workers buying houses in the area. • The supply and affordability of the housing market has a fundamental impact on the housing system overall.
Children's Services and Life Long Learning	<ul style="list-style-type: none"> • Good links between residential areas, community facilities and local services need to be ensured. • Adequate levels of community facilities and services also need to be ensured where there are changes in population numbers or demographics and in areas of new development.
Transport	<ul style="list-style-type: none"> • There are congestion issues in the City Centre of Bath, on the A4 between Bath, Keynsham and Bristol. • The reliability of local public transport services is adversely affected by congestion in the area. • The congestion contributes towards worsening air quality and the emission of major pollutants such as CO₂, NO₂ and NO_x. • A lack of convenient and reliable public transport has isolated certain members of the community due to poor access to jobs, children's services and life long learning and services. • Many of the cycling/walking routes available rely on all purpose highway networks. These networks suffer from heavy traffic flows, fumes, vibration, noise and intimidation, which all combine to deter people from walking or cycling. • Transport congestion has caused poor air quality in a number of areas in the district, some of which suffer from pollution levels that are higher than the governments acceptable limits. • A number of pollution 'hotspots' along the A road network have pollution concentrating higher than the governments acceptable limits and the Council must therefore declare more AQMAs.

Baseline Topic	Key Issues
Green Space	<ul style="list-style-type: none"> • Monitoring of priority habitats and species has not been sufficient in recent years so trends are unable to be identified. A precautionary approach should therefore be taken • There is a lack of formal green space and allotment gardens throughout the area. More space therefore needs to be designated to these uses in order to balance out inequalities across the district
Play Services	<ul style="list-style-type: none"> • Barriers to movement such as busy roads and rail lines can limit the catchment area of play provision and mean that children and young people do not have access to facilities within reasonable distance from their homes. • Lack of both physical and social links between communities living in new housing and older housing has led to high levels of anti-social behaviour and difficulties for children in playing safely in communal play areas.
Sport and Recreation	<ul style="list-style-type: none"> • The rural nature of the District means many communities find it hard to access day to day local services • Policies should ensure that there are good links between residential areas, community facilities and local services. • Policies should also ensure that adequate levels of community facilities and local services are provided where there are changes in population numbers or demographics and in areas of new development. • Existing services are out of date and no longer fit for purpose. These therefore need to be improved as well as new facilities provided in order to cater for new development.

7.0 SEA/SA Framework

Methodology

- 7.1 The SA framework presented below (Table 4) is essentially a synthesis of the key sustainability issues for B&NES as identified through the review of PPPSIs (Task A1) and the review of baseline conditions (Task A2).
- 7.2 The 23 SA objectives are worded to reflect one single desired direction of change for the theme concerned and do not overlap with other objectives. To achieve consistency in the way that progress towards sustainable development is measured in B&NES, the framework and objectives used are the same as that proposed in the SA for the B&NES Core Strategy.
- 7.3 The 23 SA objectives are set out below:

Table 4: SA Sustainability Objectives

SEA/SA Objectives	
Objective 1	Improve accessibility to community facilities and local services.
Objective 2	Improve the health and well being of all communities.
Objective 3	Meet identified needs for sufficient and high quality housing.
Objective 4	Increase availability of affordable and specific needs housing.
Objective 5	Promote stronger and more cohesive communities.
Objective 6	Reduce anti-social behaviour, crime and the fear of crime.
Objective 7	Improve the availability and provision of training
Objective 8	Ensure communities have access to a wide range of employment opportunities.
Objective 9	Enable local businesses to prosper.
Objective 10	Promote vibrant city, town, local and village centres.
Objective 11	Increase availability of local produce and materials.
Objective 12	Ensure everyone has access to high quality and affordable public transport and promote cycling and walking
Objective 13	Reduce the need and desire to travel by car.
Objective 14	Protect and enhance local distinctiveness.
Objective 15	Protect and enhance the districts historic environment
Objective 16	Encourage and protect habitats and biodiversity.

SEA/SA Objectives

Objective 17	Protect and enhance the districts cultural assets.
Objective 18	Reduce pollution and greenhouse gas emissions
Objective 19	Encourage sustainable construction.
Objective 20	Ensure the development of sustainable and/or local energy sources and energy infrastructure.
Objective 21	Reduce vulnerability to, and manage flood risk.
Objective 22	Encourage careful and efficient use of natural resources.
Objective 23	Promote waste management in accordance with the waste hierarchy (reduce, reuse and recycle).

8.0 Task A5: Consultation on the Scope of the SA

- 8.1 Consultation is an integral part of the SA process. The guidance provides for two formal consultation opportunities. The first is to consult on the scope of the SA, i.e. the scope of issues to be investigated (Task A5 in Figure 1), and the second is to consult on the contents and findings of the SA report (Task D1). This section refers to consultation on the scope of the SA, as envisaged under Task A5.
- 8.2 The Guidance specifies that the views of the three 'statutory environmental consultation bodies' designated in the SEA Regulations (which includes Natural England, the Environment Agency and English Heritage) must be sought on the scope and level of detail of the environmental information to be included in the SA Report. In addition to this, the Guidance suggests consultation of representatives of other interests including economic interests and local business, social interests and community service providers, transport planners and providers and NGOs to achieve an appropriate balance between those concerned with social, environmental and economic issues. Five weeks should be allowed for this stage of consultation.
- 8.3 To fulfil these requirements, copies of this Scoping Report and supporting documents were distributed to the Consultation Bodies mentioned above, and were made available to other relevant bodies with social and economic responsibilities. The full range of bodies that were consulted, together with their comments from the scoping process, are summarised in **Appendix 2**.
- 8.4 The aim of consultation at this stage is to ensure that the tasks involved in Stage A of the SA process have been undertaken appropriately, and that a suitable scope for the SA has been defined (i.e. will the SA investigate the right issues, and do this in an appropriate manner).

9.0 B1: Testing the SPD Objectives against the SA Framework

Discussion

- 9.1 The overall objective of the Planning Obligations SPD is to set out a clear methodology for how and when planning obligations will be sought from developers. In doing so, developers will be provided with a clear indication of how much they will be expected to contribute towards affordable housing, children's services and life long learning, transport, green space and sport and recreation.
- 9.2 The funds accumulated by the Council will be used to finance development under these themes in the vicinity of the site or elsewhere in B&NES. However, the exact locations and schemes to be financed through these funds fall outside the scope of this SPD, and are determined as a matter of discussion and decision by the Council on a case to case basis in the course of the planning process. These decisions would, of course, have to comply with the spatial strategies set out in the Core Strategy and other LDF documents .
- 9.3 The SPD itself, however, does not have the ability to influence (directly or indirectly) the impacts of the specific schemes financed through these funds, other than setting out the types of issues for which contributions will be sought. The compatibility of these issues with the SA objectives (Table 4 above) is assessed in Chapter 11 below. However, in terms of the overall objective of the SPD it is clear that there is no potential conflict with the objectives of the SA framework.

10.0 B2: Developing the SPD Options

- 10.1 As previously explained, the aim of this SPD is to formalise the topics for which, and mechanisms through which, contributions will be sought from developers to mitigate the impact of new development on infrastructure and community facilities, and to secure affordable housing. At present the Council does not have a holistic approach, or a sound and effective mechanism in place, and each application is therefore dealt with on a largely ad hoc basis.
- 10.2 Maintaining the status quo is not seen as a viable method of securing planning obligations, and a 'No SPD' option is therefore not considered appropriate. However, the current situation effectively is the base case against which change towards or away from sustainable development will be measured.
- 10.3 Formalising current practice in the way contributions are sought from developers was regarded by the Council as a matter of considerable urgency. For this reason a pragmatic, and staged approach had to be adopted. This "inaugural version" of the SPD deals only with matters that normally and generally are the subject of planning obligations, and for which the necessary evidence base to support their inclusion already existed at the time.
- 10.4 As clearly explained in the introduction to the SPD, it is not meant to be an exhaustive inventory of the Council's requirements for planning contributions. It is also important to bear in mind that contributions for items not listed in Part 2 of the SPD may therefore also be sought if warranted by the circumstances of a particular development proposal.
- 10.5 The SPD also explains that it is envisaged as a "living document". It will be updated regularly to ensure that it remains relevant and responsive to change, and new topic areas where contributions will be sought may be added during this evolving process.
- 10.6 However, for the reasons explained above the SPD does not, as such, contain a range of different SPD options.

11.0 B3 / B4: Predict and Evaluate the effects of the SPD

11.1 The SPD sets out a clear methodology of how planning obligations will be sought for each development. The proposed interventions for the SPD are set out below:

Table 5: Planning Obligations SPD: Intervention Measures

Topic	Planning Obligation Intervention	Impact on Sustainability Objectives
<p>Affordable Housing</p>	<p>The Council will seek 35% affordable housing with a 75/25 split between social rent and intermediate housing before determining applications for planning permission in the following circumstances:</p> <ul style="list-style-type: none"> • In Bath, Keynsham, Norton-Radstock, Saltford, Peasedown St John and Paulton where permission is sought for 15 dwellings or more or the site has an area of 0.5ha or more; and • In settlements where the population is 3000 or below, where permission is sought for 10 dwellings or more or the site has an area of 0.5ha or more. • Where the calculations on affordable housing requirement which is not a whole number of units the figure will be rounded up when 0.5 or above and down when 0.4 and below. • The Council would normally expect affordable housing to be provided on site, however in exceptional circumstances it may be possible to provide this off site or through a commuted sum 	<p>Housing interventions will provide quality, homes at affordable prices, in order to meet the needs of local residents. This supports sustainability objectives 3, 4, 5,10 and 19.</p> <p>An increase in the number of houses being built has the potential to increase the number of people living in areas at risk of flooding. However, this can be mitigated by locating developments in areas at low risk of flooding, or ensuring development sites in flood risk areas have adequate flood defences.</p>
<p>Children's services and life long learning</p>	<p>The trigger for children's services can fall into two categories of existing and future as follows:</p> <ul style="list-style-type: none"> • The extension or upgrading of existing off-site facilities where a housing development results in a school's capacity being exceeded or in a shortfall in Early Years facilities, Special educational Needs (SEN) facilities and Youth Services provision. • The provision of new facilities where the 	<p>Contributions towards extending / upgrading existing educational facilities or the provision of a educational facility, will increase the local supply of services in an area. This supports sustainability objectives 1, 5, 7 and 10.</p>

Topic	Planning Obligation Intervention	Impact on Sustainability Objectives
	<p>impact of a new housing development requires this.</p> <p>The type of provision required will range from:</p> <ul style="list-style-type: none"> • Primary and Secondary school provision: where additional capacity is required in the school or schools that serve the area of the development. As a certain number of unfilled places are necessary in order to allow for parental choice, unfilled places up to a maximum of 5% of a schools capacity will be excluded when calculating surplus capacity. • Post 16 Provision: where additional capacity is required in the school or schools that serve the area of the development. The number of post 16 pupils is based on the assumption that 60% of pupils aged 16-17 stay on to access Post 16 children's services and life long learning in B&NES. • Early Years Provision: where additional provision is required in the area of the development. Calculations will be based on the assumption that 20% of children aged 0 – 2 and 95% of children aged 3 -4 take up services. • SEN Provision: calculations are based on the percentage of SEN pupils in B&NES and are reviewed annually. Currently these percentages are 1.66% for primary age pupils and 1.57% for secondary and post 16 age pupils. This applies to every new dwelling that generates primary, secondary or post 16 pupils, as provision is widespread across B&NES and not specific to one location • Youth Services Provision: covers the 13-19 age group and applies to all new houses of 2 beds or more <p>Trigger for Lifelong Learning</p> <ul style="list-style-type: none"> • The trigger for life-long learning contributions will be new housing which will carry a minimum standard cost of £90 per person for a 	

Topic	Planning Obligation Intervention	Impact on Sustainability Objectives
	<p>contribution towards libraries.</p> <ul style="list-style-type: none"> • The type of provision required will range from: <ul style="list-style-type: none"> • 216 additional books per 1000 population • 10,000 population – work stations must exceed or equal 6 • Static library requirement to households - 100% within 2 miles or 88% within one mile • 128 annual hours the aggregate opening hours per 1000 populations 	
<p>Transport</p>	<p>The Council will seek planning contributions for any improvements to the transport system necessary due to the impact created by the proposed development.</p> <p>All development, irrespective of size, must be capable of being accessed safely by vehicles, including public transport, pedestrians, cyclists and people with disabilities. The type of works secured under this heading may include:</p> <ul style="list-style-type: none"> • New junction/site access works for all modes; • Works for cycle, pedestrian and disabled facilities close to the site that provide a route for cyclists, pedestrians and the disabled into the site; • Traffic calming close to the site if there is a risk of the development generating unsuitable traffic on residential roads close by; • Improvements to bus services and/or bus/rail infrastructure; • Parking controls in nearby streets where there is a risk of overspill parking from the development. • Individualised marketing projects to promote sustainable travel • Commuted sums for maintenance of structures, drainage systems, traffic signals and enhanced paving materials. • Environmental improvements for the benefit of pedestrians <p>Contributions will be sought in relation to</p>	<p>Contributions towards public transport improvements will reduce the amount of CO2 and other greenhouse gases emitted from vehicles. However, an increase in development may have the potential to increase the number of private vehicles on the road, which could have a negative impact on local air quality. Increases in vehicle numbers due to new developments should therefore be monitored carefully. Overall however, it is felt that this obligation supports sustainability objectives 13 and 18.</p> <p>Encouraging people to travel by public transport (through the provision of a regular and reliable system) instead of the private car, will reduce the volume of traffic on the roads and improve local air quality. This supports sustainability objectives 12 and 13.</p>

Topic	Planning Obligation Intervention	Impact on Sustainability Objectives
	<p>development which adds 20 trips per day or more to the highway and transport network towards works and/or services to:</p> <ul style="list-style-type: none"> • ensure that visitors to and occupiers of a site have available to them and are encouraged to use sustainable modes of travel. • encourage a modal shift to more sustainable modes of travel along transport corridors into town and city centres to ensure that the additional motorised vehicular traffic from the development can be accommodated without an unacceptable increase in congestion, delays to public transport or reduced safety to any road user. • improve access by walking and cycling to local primary and secondary schools. • improve access by public transport to local hospitals and other amenities • improve the pedestrian environment in city and town centres • promote walking and cycling by providing a network of pedestrian and cycle routes, including recreational routes. 	
<p>Green Space</p>	<p>The Council will seek planning contributions where development would create a demand for additional green space and/or place additional pressure on existing facilities. The trigger will in general be set off by residential development however it is recognized that other proposals such as tourism could trigger the need for a planning contributions towards the provision of Green space.</p> <p>There are three categories of Green Space which contributions can be sought for as follows:</p> <ul style="list-style-type: none"> • Formal Green Space(including Doorstep Green Spaces, Local Green Spaces, Neighbourhood Formal Green Spaces, District Formal Green Spaces) • Natural Green Spaces(including Neighbourhood Natural Green Spaces, District Natural Spaces) 	<p>The provision of green space has the potential to promote stronger, more vibrant and cohesive communities, through the provision of shared community open space. This supports Sustainability Objectives 5 and 10.</p> <p>Green space provide next to rivers, has the potential to reduce the risk from flooding, by acting as flood storage. This supports Sustainability Objective 21.</p> <p>These green spaces also have the potential to protect and enhance local biodiversity through sympathetic landscape design. This supports</p>

Topic	Planning Obligation Intervention	Impact on Sustainability Objectives
	<ul style="list-style-type: none"> Allotments <p>Formal green space provision: A minimum of 15 sq m per person</p> <p>Natural green space provision: A minimum of 15 sq m per person</p> <p>Allotments: a minimum of 3 sq m per person with a minimum site size of 1,500 sq m / 10 plots</p>	Sustainability Objective 16.
Play Services	<p>A contribution towards Play Services provision will be sought from developers regardless of the size of development.</p> <p>Where contributions towards Play Services are too small to develop services that stand alone and cater for the specific area of the development, they will be used to enhance other nearby play facilities.</p> <p>On all developments of 100 houses or more, a Play Impact Assessment will be carried out. This will carry a developer cost of £200.</p> <p>A commuted sum of £18.88 per residential unit will be expected from all developers.</p>	Contributions towards children's Play Services will ensure that residents have play facilities within walking distance of residential accommodation. This will reduce the number of people having to drive to local Play Services facilities due to a lack of provision in the local area.
Sport and Recreation	<p>All new residential developments (including single dwellings) place additional burdens on sport and recreation facilities and therefore contributions will be sought towards their provision and maintenance.</p> <p>Sport and recreational facilities can be provided on or off site. Where possible the requirement should be provided on site, as it is usually the most practical way to serve the recreational needs of residents in the new development unless the provision can be more cost effective if combined with an identified shortfall off-site.</p>	<p>The provision of new/improved sports and leisure facilities will ensure that access to community facilities is improved, whilst helping to improve the health and well being of local residents. This supports Sustainability Objectives 1 and 2.</p> <p>The provision of these facilities will assist with creating stronger, more cohesive and vibrant local communities which supports Sustainability Objectives 5 and 10.</p>

Methodology

11.2

In accordance with the methodology proposed during the scoping phase, a matrix has been produced to test the compatibility of the SPD interventions with the principles of sustainable development, as encapsulated in the objectives of the SA framework. The matrix clearly

shows how individual SPD interventions are likely to contribute to the achievement of sustainable development, but also where potential conflict is likely to arise.

Figure 2: Sustainability Matrix

Objectives	Improve accessibility to community facilities & local services	Improve health & well being of all communities	Meet identified needs for sufficient/high quality housing	Increase availability of affordable & specific needs housing	Promote stronger /more cohesive communities	Reduce anti social behaviour, crime and the fear of crime	Improve availability & provision of training	Ensure communities have access to a range of employment opportunities	Enable local businesses to prosper	Promote vibrant city, town & village centres	Increase availability of local produce & materials	Ensure everyone has access to quality / affordable public transport & promote cycling & walking
Affordable Housing Contributions			✓	✓	✓							
Children's services and life long learning Contributions	✓				✓		✓			✓		
Transport Contributions	✓											✓
Green Space Contributions	✓	✓			✓					✓		
Play Services Contributions	✓	✓			✓					✓		
Sport and Leisure Contributions	✓	✓			✓					✓		

Objectives	Reduce need / desire to travel by car...	Protect & enhance local distinctiveness	Protect & enhance the Districts historic environment	Encourage & protect habitats & biodiversity	Protect & enhance the Districts cultural assets	Reduce pollution & greenhouse gas emission	Encourage sustainable construction	Ensure the development of sustainable &/or local energy sources & energy infrastructure	Reduce vulnerability to, and manage flood risk	Encourage careful and efficient use of natural resources	Promote waste management in accordance with the waste hierarchy (reduce, reuse, recycle)
Affordable Housing Contributions				X			✓		X		✓
Children's services and life long learning Contributions											
Transport Contributions	✓					✓					
Green Space Contributions	✓	✓		✓	✓	✓			✓		
Place Services Contributions	✓										
Sport and Leisure Contributions	✓			✓					✓		



= SPD objective is compatible with sustainability objective



= Potential for conflict between SPD Objective and sustainability objective

Blanks = SPD objectives have no direct relevance for sustainability objective. Although it does not necessarily contribute towards achieving the objective, no conflict with the objective is expected either.

Discussion

- 11.3 The matrix shows that, on the whole, the proposed SPD interventions are compatible with the principles of sustainable development as encapsulated in the objectives of the SA Framework, and are in many instances expected to also make positive contributions to the achievement of sustainable development (✓ symbols).
- 11.4 The matrix also indicates a small number of potential conflicts between the increase in affordable housing and some of the sustainability objectives (indicated by ✗ symbols). These potential conflicts merely reflect the increased pressure of new residential development on local facilities and services, and the fact it could lead to a net increase in the number of people at risk of flooding. This does not suggest that the inclusion of measures to seek contributions for affordable housing is 'unsustainable' in any way, but only that there is a risk for conflict. Whether or not real conflict will occur will ultimately depend on **how** housing growth and expansion is approached, and where such affordable housing is located. These issues will be guided by the local planning framework and cannot be influenced by this SPD.
- 11.5 On the whole, it is clear that the SPD interventions are compatible with the principles of sustainable development, and can be expected to make a positive contribution to the achievement of sustainable development in the long term. The key sustainable development issues and impacts arising from the implementation of the SPD includes:
- The provision of affordable housing will create culturally diverse communities that interact effectively. The provision of affordable housing also provides local people, particularly those in the lower income bracket, the chance to enter the property market. However, unless the locations of these housing developments are carefully monitored, there is the potential for a greater number of people to be put at risk from flooding. More housing development will also lead to increased pressure on local facilities, infrastructure and natural resources.
 - Contributions towards public transport improvements will have a positive effect on both local communities (through the provision of a regular, reliable and affordable service) and on the environment (through a reduction in the volume of traffic on local roads). However, new developments will result in some increase in the number of private cars being used, which has the potential to exacerbate local air quality problems if not mitigated sufficiently.
 - The SPD provides the opportunity to fund the creation of new green space, which will help maintain and enhance wildlife habitats and ecologically valuable species. The creation of community open space also has the potential to promote a stronger, more cohesive and vibrant area by bringing local people together.
 - The provision of contributions towards Play Services, sports and leisure facilities will help towards enhancing community cohesion and vibrancy. The increased availability of local sports facilities, and wardens to run these, also has the potential to improve the health and well being of local communities and reduces the need for residents to travel by car to facilities outside the locality.

- The requirements of the SPD as it currently stands have no impact on any of the economic objectives highlighted in the matrix in Section 11 of this Sustainability Appraisal. Ideally this should be addressed.

12.0 B5: Consider ways to mitigate adverse effects and maximise beneficial effects

- 12.1 The planning Obligations SPD is not site or project specific therefore the adverse effects this document may have on the area are limited. However, it is possible to suggest some measures that may be applied to planning applications which fall under the Planning Obligations SPD:
- 12.2 New developments should be sited, where possible, outside flood prone areas. Where this is not possible, necessary mitigation measures should be taken to ensure the site is adequately protected, in line with PPS25. Guidance on any flood risk should also be sought from the EA.
- 12.3 Any new developments funded through planning contributions (affordable housing in particular) should include suitable measures to ensure that local services, facilities and infrastructure do not come under increased pressure and that local natural resources and environmental quality are not compromised as a result.
- 12.4 As is already the case in the SPD, the use of transport contributions should actively seek to promote the development of public and sustainable forms of transport. This will encourage local residents to use public transport over the private car, therefore contributing towards improvements in local air quality.
- 12.5 Affordable housing developments should make adequate provision for pedestrians and cycling, should be well served by public transport, and should include measures for discouraging the use of private car.
- 12.6 Contributions towards local green space are mainly aimed at achieving social objectives. However, urban green spaces may also help to protect and enhance local biodiversity. The development of any such spaces should be undertaken in an ecologically sensitive manner that aims to protect and enhance existing ecological value, while creating new ecological features where possible. Measures for ecological protection and enhancement should also be incorporated into any other development funded through planning contributions and could include measures such as green and brown roofs in order to add to current habitat size and range and replacing lost habitats elsewhere or contributing to other conservation efforts in the area.

13.0 B6: Proposed measures to monitor the effects of implementing the SPD

- 13.1 Compliance with the section 106 agreements will be monitored by the Council. A series of targets will be set that will activate the payment of section 106 monies, i.e. payment of monies upon occupation of a development. These monies will be allocated to the specific pot or a pooled fund and the Council will need to ensure that these monies are being spent in the right areas.
- 13.2 It is recommended that the Planning Obligations be monitored and an annual monitoring report be presented to the committee on an annual basis:
- Planning Obligations will be reported in the Annual Monitoring Report once the SPD has come into force.
 - B&NEA will compare headline monitoring information about the amount secured through planning obligations and broadly what planning obligations are secured for, against baseline data that we have for previous years.
 - B&NES will also monitor whether the new negotiation process proposed in the SPD is contributing the timely determination of applications - using the national indicator NI15 that we report quarterly to CLG through PS1 and PS2 returns.
- 13.3 The following general points should also be considered in relation to monitoring:
- Indicators for change should ideally be monitored on a minimum of a yearly basis. Data such as census information is useful over the long term but will not show yearly changes/fluctuations since it is collected every 10 years. Ward Level data is available on a year-by-year basis.
 - All data should ideally be collected at Ward Level in order to monitor changes effectively at a local level.
 - Both absolute and relative improvement should be monitored, i.e. overall improvement over time and improvement in relation to national and borough averages.

Appendices

Appendix 1

Policy Review

Affordable Housing

Policy	Details of relevance to the SPD and SA
<p>National / Regional Policy</p> <ul style="list-style-type: none"> • PPS1: Delivering Sustainable Development • PPS3: Housing • PPS25: Development and Flood Risk • Delivering Affordable Housing • Sustainable Communities: Settled Homes, Changing Lives (ODPM, 2005) • Sustainable Communities: Building for the Future • South West Regional Housing Strategy 2002-2005 (South West Regional Housing Forum, 2002) • Draft Regional Spatial Strategy for the South West 2002-2026 	<p>Strategic Housing Policy Objectives in PPS3 are:</p> <ul style="list-style-type: none"> • To achieve a wide choice of high quality homes, both affordable and market housing • To increase opportunities for home ownership and ensure high quality housing for those who cannot afford market housing • To improve affordability across the housing market, including by increasing the supply of housing <p>PPS25: The aims of this planning policy are to ensure that flood risk is taken into account at all stages in the planning process, to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk.</p> <p>Sustainable Communities: Settles Homes, Changing Lives: To halve the overall number of households living in temporary accommodation by 2010</p> <p>Delivering Affordable Housing (Nov 2006): Affordable housing policy is based around three themes;</p> <ul style="list-style-type: none"> • Providing high quality homes in mixed sustainable communities for those in need; • Widening the opportunities for home ownership; • Offering greater quality, flexibility and choice to those that rent
<p>Local Policy</p> <ul style="list-style-type: none"> • BNES Local Plan • Affordable Housing SPD (2003) • Housing Strategy 2005-2010 B&NES • B&NES Community Strategy 	<p>Local Plan</p> <p>IMP1: See paragraph 2.3 above</p> <p>HG8: The council seeks 35% of dwellings on all developments over a certain threshold to be affordable housing</p> <p>Housing Strategy Strategic Objectives:</p> <p>Affordable Housing: To maximise the supply of affordable housing to meet the needs of local people; promoting and maintaining sustainable balanced communities; and recognising the support requirements of individuals for specialist accommodation.</p>

Children’s Services and Life Long Learning

Policy	Details of relevance to the SPD and SA
<p>National / Regional Policy</p> <ul style="list-style-type: none"> • The Schools White Paper: Higher Standards, Better Schools For All • 14-19 Children’s services and life long learning and Skills White Paper 	<p>The Schools White Paper: Aims to put parents and the needs of their children at the centre of the school system. Children’s services and life long learning will be tailored to the needs of each child and parents will have a say in how their schools are run.</p>
<p>Local Policy</p> <ul style="list-style-type: none"> • BNES Local Plan • Schools Organisation Plan (BNES) 	<p>Local Plan</p> <p>IMP1: See paragraph 2.3 above</p> <p>CF3: Where existing community facilities are inadequate to meet the needs of future residents of new development, planning permission will be refused unless additional provision related in scale and in kind to the proposed development, to meet those needs is, or will be, made.</p>

Transport

Policy	Details of relevance to the SPD and SA
<p>International Policy</p> <ul style="list-style-type: none"> • EU Manual on Strategic Environmental Assessment of Transport Infrastructure Plans • EU Air Quality Framework and Draught Directives 	
<p>National / Regional Policy</p> <ul style="list-style-type: none"> • The Environment Act 1995 Part IV (ODPM) • PPG13: Transport • 10 Year Transport Plan (2000) • Regional Transport Strategy (RTS) • Joint Local Transport Plan (JLTP) 2006/07 (Bath Package) • Air Quality Strategy for England, Scotland, Wales and Northern Ireland. DETR • PPS23: Planning and Pollution Control 	<p>The Environment Act establishes the statutory requirements for Local Authorities to declare Air Quality Management Areas where necessary and produce Air Quality Action Plans</p> <p>PPG13: Transport:</p> <ul style="list-style-type: none"> • To promote more sustainable transport choices for both people and for moving freight; • To promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and • To reduce the need to travel, especially by car <p>Regional Transport Strategy: to ensure land-use planning and transport planning are fully integrated in order to:</p> <ul style="list-style-type: none"> • Steer new development to more sustainable locations • Reduce the need to travel and enable journeys to be made by more sustainable modes of transport <p>The RTS has 5 key objectives:</p> <ul style="list-style-type: none"> • To support the spatial strategy of RPG10 and to service existing and new development efficiently and in an integrated fashion • To reduce the impact of transport on the environment...which is increasing as a result of growth in road traffic, noise and pollution by; <ul style="list-style-type: none"> ▪ Reducing the need to travel, encouraging travel by more sustainable means (walking and cycling) ▪ Locating development at accessible locations, particularly by public transport ▪ Achieving environmental improvements by directing investment to those locations where infrastructure is

	<p>required to offset the damaging effects arising from the impact of traffic and transport</p> <ul style="list-style-type: none"> • To secure improved accessibility...to work, shopping, leisure and services by public transport, walking and cycling • To create a modern, efficient and integrated transport system...that will meet the demands of a dynamic regional economy and meet all travel needs • To ensure safe use of the regional transport network...and its associated facilities
<p>Local Policy</p> <ul style="list-style-type: none"> • Bus Strategy B&NES • Cycling Strategy B&NES (July 1998) • Walking Strategy B&NES (May 2001) • Draft B&NES Local Plan (Nov 2006) • Rail Strategy for the Bristol, Bath and Weston-Super-Mare Area (2000) • Local Air Quality Strategy (LAQS), B&NES • Air Quality Action Plan. B&NES (2006) 	<p>Local Plan</p> <p>IMP1: See paragraph 2.3 above</p> <p>T24: Development will be permitted if, as appropriate:</p> <ul style="list-style-type: none"> • Provision is made for any improvements to the transport systems which are required to render the development proposal acceptable, having regard to the safe and efficient functioning of the transport system and the traffic targets and related initiatives set out in the Local Transport Plan. <p>B&NES Joint Local Transport Plan (JLTP): A five year document setting out the Local Authorities' objectives for improving transport and detailing the ways in which this is to be achieved. LTP's do not just focus individual transport schemes, but take a broader view of how transport measures can help to achieve wider and longer term objectives. This adopts the vision for a transport system for the area that;</p> <ul style="list-style-type: none"> • Strengthens the local economy • Supports rising quality of life and social inclusion • Improves access and links • Ensures that alternatives to the car are a realistic first choice for the majority of trips • Offers real choice – affordable, safe, secure, reliable, simple to use and available to all • Meets both rural and urban needs <p>The Local Air Quality Strategy identifies how B&NES can secure air quality improvements, both within and external to AQMA.</p> <p>The Air Quality Action Plan focuses on the area along London Road in Bath, which has been designated an AQMA</p>

Green Space

Policy	Details of relevance to the SPD and SA
<p>National / Regional Policy</p> <ul style="list-style-type: none"> • PPS1: Sustainable Development • PPS9: Biodiversity and Geological Conservation • PPG17: Planning for Open Space, Sport and Recreation • Green Infrastructure in the West of England • The Forest of Avon Plan 	<p>PPS9: sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy. The document includes a number of key principles to ensure that the potential impacts of planning decisions on biodiversity and geological conservation are fully considered:</p> <ul style="list-style-type: none"> • Development plan policies and planning decisions should be based upon up-to-date information about the environmental characteristics of their areas, including the relevant biodiversity and geological resources of the area. • Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. • Plan policies on the form and location of development should take a strategic approach to the conservation, enhancement and restoration of biodiversity and geology. • Plan policies should promote opportunities for the incorporation of beneficial biodiversity and geological features within the design of development. • Development proposals where the principal objective is to conserve or enhance biodiversity and geological conservation interests should be permitted. • Planning decisions should prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, adequate mitigation measures should be put in place. <p>PPG17: Has a number of objectives for meeting green space requirements:</p> <ul style="list-style-type: none"> • Supporting an urban renaissance: Local networks of green space that is of high quality and well managed, helps create urban environments that are attractive, clean and safe. Green spaces in

	<p>urban areas perform a vital function as areas for nature conservation and biodiversity</p> <ul style="list-style-type: none"> • Promotion of social inclusion and community cohesion: Well planned and maintained open spaces can play a major role in improving people’s sense of well being. They act as a focal point for activities and bring communities together. • Health and well being: Open spaces have a vital role to play in promoting healthy living and preventing illness. <p>Green Infrastructure in the West of England: Aims to increase the understanding of the rural urban fringe around the main towns and cities in the West of England, in order to inform and assist the local and sub regional planning processes.</p> <p>The Forest of Avon Plan: This plan is a non-statutory plan and is essential that the community forest concept and its implementation is properly embedded into the formal planning system. The plan aims to:</p> <ul style="list-style-type: none"> • Introduce and explain the concept of community forests and their national context; • Describe the character of the Forest of Avon area and show how the community forest will enhance it.; • Identify strategies and priorities needed to turn the idea into reality; • Show how the forest will contribute to the areas sustainability and biodiversity; • Show who will lead the forest and make it happen; • Invite and encourage local people from all sections of the community to have their say and to help to make the forest a reality.
<p>Local Policy</p> <ul style="list-style-type: none"> • BNES Local Plan • BE Better for Everyone, Community Strategy for BNES (June 2004) • BNES Local Area Agreement • Green Space Strategy 	<p>Local Plan</p> <p>IMP1: See paragraph 2.3 above</p> <p>SR3: Where new development generates a need for open space, which cannot be met by existing provision, the developer will be required to either provide for, or contribute financially to, the provision of open space to meet the need arising from the new development.</p> <p>The Community Strategy has a number of shared ambitions, which set out how the Council plans to work with a wide range of organisations and make links with their plans. Two of these relate to</p>

	<p>green / open space;</p> <ul style="list-style-type: none"> • BE Distinctive: Promoting a sense of place so people identify with and take pride in our communities • BE Sustainable: taking responsibility for our environment and natural resources, now and over the long term. <p>The Strategy also sets out a number of improvement ambitions one of which specifically relates to open / green space;</p> <ul style="list-style-type: none"> • BE Green (improve local environment) <p>The BNES Local Area Agreement has a number of key outcomes for delivering enhanced green space;</p> <ul style="list-style-type: none"> • Cleaner, greener and safer public spaces • Enrich individual lives, strengthen communities and improve places where people live through culture and sport
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Play Services, Sport and Leisure

Policy	Details of relevance to the SPD and SA
<p>National / Regional Policy</p> <ul style="list-style-type: none"> • South West Plan for Sport • PPS17: Planning for Open Space, Sport and Recreation 	<p>PPG17: Has a number of objectives for meeting sport and recreation requirements:</p> <ul style="list-style-type: none"> • Supporting an urban renaissance: Local sport and recreational facilities that are well managed and of high quality, help create urban environments that are attractive, clean and safe. • Promotion of social inclusion and community cohesion: Well planned and maintained sport and recreation facilities can play a major role in improving people’s sense of well being. They act as a focal point for activities and bring communities together. • Health and well being: Sport and recreation facilities have a vital role to play in promoting healthy living, preventing illness and enhancing the social development of children of all ages through play, sporting activities and interaction with others.
<p>Local Policy</p> <ul style="list-style-type: none"> • BNES Local Plan • Play Strategy 2006-12 • Get Active: Vision for Sport and Active Leisure (April 2005-March 2010) 	<p>Local Plan</p> <p>SR3: Where new development generates a need for recreational open space and facilities, which cannot be met by existing provision, the developer will be required to either provide for, or contribute financially to, the provision of recreational open space and/or facilities to meet the need arising from the new development.</p> <p>Provision for children’s Play Services should be made on the basis of 0.8 ha per 1000 of the new population</p> <p>Provision for outdoor and indoor sport facilities should be made on the basis of 1.6-1.8 ha for outdoor sports (of which 1.24 ha is for pitch sports) and 0.77 ha for indoor sports, per 1000 of the new population</p>

Appendix 2

List of Consultees and Associated Consultation Responses

Statutory Consultees	Other Stakeholders
Environment Agency	Government Office for the South West
English Heritage	Highways Agency
Natural England	South West Regional Assembly
Internal Council Departments	West of England Partnership
	South West of England Regional Development Agency
	Sulis Park
	Strategic Land Partnerships

Consultation Responses

Natural England

Appropriate Assessment

- 13.4 As noted in paragraph 1.9, we confirm that Natural England's scoping opinion would be that an appropriate assessment is required in respect of the SPD. Planning obligations may be required to ensure that development in line with the Bath and North East Somerset LDF does not adversely affect the integrity of the Bath and Bradford on Avon Bats SAC.

Policy and Baseline Review

- 13.5 Natural England understands that this section has been extracted from the Draft core Strategy SA to reflect the focus of the Planning Obligation SPD on affordable housing, children's services and life long learning, transport, green space and sport and leisure.
- 13.6 We are pleased to see the inclusion of Green Space as a key theme but suggest the policy references should also include the report on *Green Infrastructure in the West of England* prepared by the West of England Partnership, not least in relation to the Growth Point designation and the need for Bath and North East Somerset to develop a green infrastructure strategy, working with the neighbouring authorities where appropriate, in order to meet the challenges of the proposed growth within the sub region.

13.7 Natural England strongly suggests that well planned and co-ordinated GI is necessary to achieve sustainable development, and can contribute to a wide range of objectives including sustainable transport, health, children's services and life long learning and community benefits as well helping to delivery habitat links and biodiversity.

13.8 We also suggest the Forest of Avon Plan is included within this section.

Environment Agency

Developer contributions for the 5 key areas

13.9 We are pleased to see the inclusion of 'green space', children's services and life long learning, and 'Sport & Recreation' within the BAINES 5 key areas. As the natural environment provides an excellent recourse for schools is as well as facilitating a healthy lifestyle.

13.10 We prefer the term biodiversity as proving green space does not automatically imply high bio-diversity value. Changing the category title will include the concepts of green space, wildlife corridors and biodiversity. It would also prevent any misunderstanding as green space implies a separate zone where as natural environment can exist in built and the rural realm.

Policy Imp1

13.11 We support the fundamentals of policy but it needs to be expanded to include enhancing the environment as stressed in planning policy documents such as PPS9. Which state that steps should be taken to maintain and enhance restore or add to biodiversity and geological conservation interests.

13.12 The section of the policy - " to mitigate an otherwise unacceptable impact of the development on local facilities and infrastructure"

13.13 We suggest that the term local is removed from this policy as impact of development can be felt outside the local vicinity this is the case in areas such as biodiversity and contamination.

Policy/ Baseline Review

13.14 This section refers to key policy's frameworks – we would recommend that further documents are looked at (as was the case in B&nes SA) such as the Water Framework Directive and Making Space for Water.

Affordable Housing

13.15 We strongly recommend the inclusion of PPS25 Development and Flood Risk as this is a key policy. As it guides the location of development away from flood zone areas and where this is unavoidable it requires developers to undertake various mitigation works. This influencing the cost of development and therefore affordability.

Children's Services and Life Long Learning

- 13.16 Its important to stress that the natural environment provides an excellent educational resource.

Transport

- 13.17 Green corridors facilitate walking and cycling within the region.

Green Space

- 13.18 PPS 9: Bio diversity and Geological Conservation - should be included within this section.
- 13.19 Please note green space includes environment in built as well as rural environment.

SEA Objectives

- 13.20 We have previously commented on the BA&NES Sustainability Appraisal (SA) Please see attached for comments regarding the SA objectives.

Section B5

- 13.21 We are pleased to see the need to mitigate the impacts of development has been included within this section. However, please note PPS 9 stresses the need to first avoid impact **then** mitigate.

Section B6

- 13.22 We cannot stress strongly enough the importance of the use of appropriate indicators and robust monitoring this is vital to ensure the policy documents success.

English Heritage

- 13.23 English Heritage had no comments regarding the SA for the Planning Obligations SPD

Strategic Land Partnership Response

- 13.24 The Sustainability Appraisal has not looked at the possible negative effects that this DPD would have by virtue of the fact that it this development tariff makes the area less attractive to investors with the investable consequence that employment space will not be provided and jobs will not be created, let alone the impact on the viability and so the delivery of housing particularly affordable housing.
- 13.25 **Response:** Role of case studies and viability testing, viability assessment. Therefore disagree with the comments as this is necessary the development costs will otherwise need to be met by the public purse or not be provided- negative impact on many of the objectives.

Sulis Park Response

- 13.26 Sulis Park objects the SPD and its sustainability appraisal as the assessment has failed to adequately take account of the economic impact on key sustainability objectives from its implementation. As a consequence the SA has failed to consider mitigation or alternative options to avoid the potential conflict of the SPD with these objectives.
- 13.27 Obj 2, 3, 4, 8, 9, and 10 of the SA are relevant.
- 13.28 When assessing the impact of the intervention of the SPD, it is not unreasonable to consider whether the increased economic burden that flows m the scale of the obligations, will have an adverse effect directly upon the objectives it is seeking to achieve or indirectly upon other objectives, in particular those noted above. In addition the assessment fails to have regard to the cumulative effect of other policies pressures, such as more sustainable construction and eco homes initiatives as well as the very difficult financial conditions at this time.
- 13.29 The SPD makes it clear that the application of this intervention in housing development will be the norm and that alternative, lesser burden will be the exception. In employment and retail the application of this intervention will add further pressure on new businesses at a time of great weakness. The application of higher levels of economic burden (sometimes called planning gain) to a smaller or decreasing level of development will be counter productive and will not meet the sustainability objectives.
- 13.30 **Response:** Role of case studies and viability testing, viability assessment. Therefore disagree with the comments as this is necessary to the development costs will otherwise need to be met by the public purse or not be provided- negative impact on many of the objectives.