

West Somerset Council
Planning Obligations
Supplementary Planning Document 2009

**Draft for Public
Consultation July 2009**

Concise version



Contents

1.0	Introduction	3
2.0	Housing for Local Needs	4
	Thresholds	4
	Proportions	4
	Location	4
	Financial Contributions	5
	Occupancy	5
	Liaison	5
3.0	Sustainable Travel and Access	6
	Travel Generated by Larger Developments	6
	Travel Generated by Smaller Developments	7
	Highway Standards	7
	Street Scene	7
4.0	Community Infrastructure and Local Natural Environment	8
	Community Buildings	8
	Play Space	8
	Natural Environment	8
5.0	Education	10
	Schools	10
6.0	Flooding	11
	Flood Defences	11
7.0	Value of Planning Obligations	12
8.0	Contributions to Administration and Monitoring of Planning Obligation Agreements	14
APPENDIX 1		15
	Public rights of way within West Somerset	16
	Promoted routes within West Somerset	17

1.0 Introduction

Planning obligations are often created through agreements between the Council and those with an interest in a piece of land, usually developers.

They are frequently referred to as 'Section 106' agreements as the powers were first introduced under Section 106 of the Town & Country Planning Act 1990.

Planning obligations are intended to make acceptable development which would otherwise be unacceptable in planning terms.

West Somerset Council will use planning obligations to make development acceptable in pursuit of planning objectives in three ways:

- To achieve affordable housing and other forms of development
- To compensate for loss or damage caused by development
- To mitigate a development's impact

The guidance in this Supplementary Planning Document explains in more detail how the Council will secure planning obligations.

2.0 Housing For Local Needs

Recent evidence demonstrates the current and projected acute shortage of housing for local needs in West Somerset.

West Somerset Council, the South West Region and national government have planning objectives which attach high priority to addressing these shortages.

In pursuit of these objectives and the associated policies, West Somerset Council will use planning obligations to secure affordable housing as part of residential developments in accordance with the following guidance.

Thresholds

Affordable housing should be provided in residential developments which meet or exceed the following thresholds

Thresholds for seeking affordable housing	
Minehead	8 or more dwellings
Watchet	5 or more dwellings
Williton	5 or more dwellings
Elsewhere	2 or more dwellings

Proportions

Residential developments should provide 35 affordable units for every 65 market units.

This applies to on-site and off-site affordable housing provision, whether provided in-kind or through the equivalent financial contribution.

Location

Affordable housing should be located on the same site as and be an integral part of the development.

Where the Council agrees that affordable housing can be provided off-site, its location will be sought in the following priority order taking into account local need and site availability.

1. Adjacent to the development
2. Elsewhere in the ward in which the development is located
3. Elsewhere in an adjacent ward to the ward in which the development is located
4. Elsewhere in the District

Off-site provision can be in-kind or in the form of a financial contribution.

Financial contributions

Where the District Council agrees that a financial contribution in lieu of on-site provision of affordable housing would be acceptable, the contribution will be calculated as follows.

$$\text{Contribution} = N \times (\text{OMV} - \text{SP})$$

*N = Number of affordable units provided in the ratio 35:65
(affordable:market)*

OMV = Open Market Value of units to be provided

SP = Notional affordable housing Sale Price of units to be provided

Occupancy

Affordable housing for rent secured through planning obligations will be allocated in accordance with the Homefinder Somerset Choice Based Lettings Scheme. In advertising and allocating such affordable housing, priority will be given to people with a local connection in the following order:

1. Residents in the ward in which the development is located
2. Residents in an adjacent ward to the ward in which the development is located
3. Residents elsewhere in the District

Liaison

Proposals involving affordable housing must be discussed at the earliest opportunity with the District Council's Housing Enabling Officer who will advise on a range of requirements including development standards and funding arrangements.

3.0 Sustainable Travel And Access

West Somerset has relatively high proportions of travel by foot and bicycle, particularly within settlements with high levels of self-containment, but motorised transport is characteristic of much of the travel between settlements and for access to various services by the dispersed rural population.

West Somerset Council, Somerset County Council, the South West Region and national government have planning objectives for achieving greater sustainability in travel through reducing reliance on the private car and providing alternative travel choices.

Where a development has potential to generate travel movements, West Somerset Council will use planning obligations in pursuit of these objectives to secure sustainable travel outcomes and to mitigate the impact of the development on the transport network

The Council will also make use of planning obligations to ensure that the County Council's relevant highway standards are met.

Travel generated by larger developments

Somerset County Council is formulating development size thresholds which will trigger Transport Statements, Transport Assessments and Travel Plans. In some instances these thresholds may be lower than the national indicative thresholds, but until they are in place the District Council will seek transport statements, assessments and travel plans in line with the Department for Transport guidance thresholds and advice from the County Council.

Thresholds for seeking Transport Statements, Assessments and Travel Plans

Land use	Transport Statement*	Transport Assessment/Travel Plan
Residential dwellings (C3)	50 - 80 dwellings	80+ dwellings
Offices (B1)	1,500 – 2,500 sqm	2,500+ sqm
Food retail (A1)	250 – 800 sqm	800+ sqm
Non-food retail (A1)	800 - 1500 sqm	1500+ sqm

See DFT Guidance on Transport Assessment (2007) Appendix B for full list of land uses and thresholds.

* Travel Plans to be developed on a case by case basis with advice from the Local Highways Authority and/or Highways agency.

Planning obligations will be used to secure sustainable travel measures identified in Transport Statements, Transport Assessments and Travel Plans associated with larger developments.

The District Council will particularly seek development of and improvements to footways, cycleways and public rights of way.

The District Council will use the County Council's Rights of Way Improvement Plan and the developing cycle network as starting points for identifying appropriate local measures.

Travel Generated By Smaller Developments

For smaller developments below the thresholds for seeking Transport Statements, Transport Assessments and Travel Plans, the District Council will seek contributions to develop and improve footways, cycleways and public rights of way in the vicinity of the development that provide sustainable travel options to local services and amenities.

In some instances where developments fall below the formal size thresholds for Transport Statements and Assessments, travel plans will still be sought in order to manage the cumulative impacts of development. Planning conditions may also be used to secure the implementation of a travel plan.

Highway standards

For all developments, the District Council will make use of planning obligations and conditions in ensuring that the County Council's highway standards are met.

Street Scene

Where development provides opportunities to improve the quality of the street scene, for example through signage, paving, benches or planting, the District Council will use planning obligations to secure such improvements as part of the development process.

Such improvements are more likely in the larger settlements where deficiencies in the public realm are identifiable.

4.0 Community Infrastructure And Local Natural Environment

Community buildings

Development can generate new demands on the facilities and services that are at the heart of the way of life for West Somerset's rural communities.

West Somerset Council has planning objectives and other aims to ensure that the provision of such community facilities keeps pace with the growing population and that the District develops and maintains a thriving sense of community.

Where additional demand from development and local need can be demonstrated, the District Council will use planning obligations to provide or enhance buildings used for community uses. Such buildings include not only village halls and community centres but also other buildings which can serve a dual use such as school buildings, church halls and public houses.

Play Space

West Somerset Council has planning objectives and strategies to improve play facilities.

In pursuit of these objectives, the District Council will use planning obligations to secure the provision or improvement of community facilities and open spaces where development will generate additional demands.

Natural Environment

The protection of biodiversity is a statutory requirement at international and national level under the guidance of such documents as the Habitats Directive and PPS9: Biodiversity and Geological Conservation:

West Somerset Council has planning objectives and strategies to enhance biodiversity and improve access to nature in the District.

Where additional demand from development and local need can be demonstrated, the District Council will use planning obligations to provide or enhance local open spaces guided by the aims of its Play Strategy and Biodiversity Action Plan. The District Council's focus will be on combining natural features with amenity provision including 'natural play' for young people. The focus will also be on local green spaces rather than those that

already receive funding for their management and protection through statutory designations.

5.0 Education

Schools

Where development generates additional pupil numbers in the catchment areas of schools that have insufficient capacity to accommodate them, the District Council will consider seeking contributions to help fund the additional places.

Somerset County Council uses the Department for Children, Schools and Families' cost multiplier to estimate the value of planning obligation contributions that it will advise District Councils to seek in these circumstances.

Where a residential development of 50+ dwellings is likely to generate additional pupil numbers and it falls in the catchment area of a school which has insufficient existing or anticipated capacity to accommodate them, the District Council will consider the use of planning obligations to secure funding in accordance with Somerset County Council's cost multipliers.

The 2009 Somerset County Council cost multipliers are:

Somerset County Council School Places Cost Multipliers 2009			
		£ per place	£ per dwelling
1 st schools: 5 year group	30 places per 210 dwellings	£11,521	£1646
Middle schools: 4 year group	30 places per 262 dwellings	£14,410	£1650
Secondary schools: Minehead College	30 places per 262 dwellings	£17,654	£2021
pre-school (3-4 yr olds)	3 day places per 100 dwellings	£11,521	£349

6.0 FLOODING

A Level 1 Strategic Flood Risk Assessment has been carried out for West Somerset and Exmoor National Park. It identified that further flood risk work is likely to be needed in the West Somerset area due to the anticipated effects of climate change on the urban areas of Minehead and Williton. A Level 2 study will identify any potential needs for future flood defences.

Should a Flood Risk Assessment be required for a proposed development, it will need to show that the development does not have any adverse impact on flood risk elsewhere in the area and that access to and from the site will remain safe and passable during periods of flood.

SFRAs should also show that proposals do not result in increased run-off rates from the site as a result of development.

Flood defences

Should developments be proposed in areas at risk of flooding, appropriate action should be taken to mitigate for the risk of flooding to that site, without increasing the risk of flooding elsewhere in the area, including, where appropriate, the use of SUDS and flood defences for example.

The District Council will expect appropriate developments to contribute towards any flood defences proposed within the Strategic Flood Risk Assessment. The District Council will use planning obligations to secure such contributions.

7.0 Value Of Planning Obligations

West Somerset Council does not operate a tariff or levy system for securing planning obligations.

However, the Council thinks it will be helpful for developers and communities to have an indication of the potential value of planning obligations that could be achieved while still enabling development to be commercially viable.

To this end, the Council has carried out financial appraisals of recent developments in the District to produce an indicative range of the value of contributions that could be sought without compromising development viability.

The level of contribution that a scheme may afford whilst allowing the development to remain economically viable varies widely across different types of schemes, different locations and market conditions. The Council has tested viability in sample typical schemes across the District on the basis of current market conditions. The Council will regularly review the assumptions within these tests as conditions and market practices change in the future.

Whilst individual applications will be assessed on their own circumstances, as a guide, the sample scheme viability tests show that the following ranges in contributions (per dwelling) could be expected:

Minehead: £5,000 to £10,000

Watchet: £2,000 to £5,000

Williton: £2,000 to £5,000

Elsewhere: £2,000 to £5,000

Schemes which do not provide affordable housing are likely to be more profitable and could therefore warrant larger planning obligation contributions within the ranges shown. Viability testing will be used on a case by case basis to ensure that contributions are reasonable in the specific circumstances of any proposal.

The great majority of development in the District is likely to be residential. Other uses will be assessed for viability on a case by case basis.

Where a developer wishes to demonstrate the impact of planning obligations on the viability of a development they will need to provide a robust appraisal

with reasonable assumptions that reflect current market practice. The development appraisal will seek to calculate the residual site value using the following key inputs:

Gross Development Value (GDV) – an estimate of the total revenue of the development.

Development Costs – development costs are likely to include:

- Acquisition costs
- Construction costs
- Professional fees
- Marketing costs
- Finance costs
- Planning Obligation costs

Project timescales – a realistic estimate of the construction and sales periods.

Profit – the developers profit must have regard to current market practise and the specific risk of the development.

Once the appraisal has calculated a Residual Land Value for the scheme, viability is tested by comparing this figure to the site's Existing Use Value.

Where an applicant seeks to agree a reduced contribution, the applicant will be required to produce a robust development appraisal to demonstrate that the scheme is no longer viable.

8.0 Contributions To Administration And Monitoring Of Planning Obligation Agreements

The Council will seek an administration fee for the negotiation and administration of planning obligation agreements and ongoing compliance monitoring.

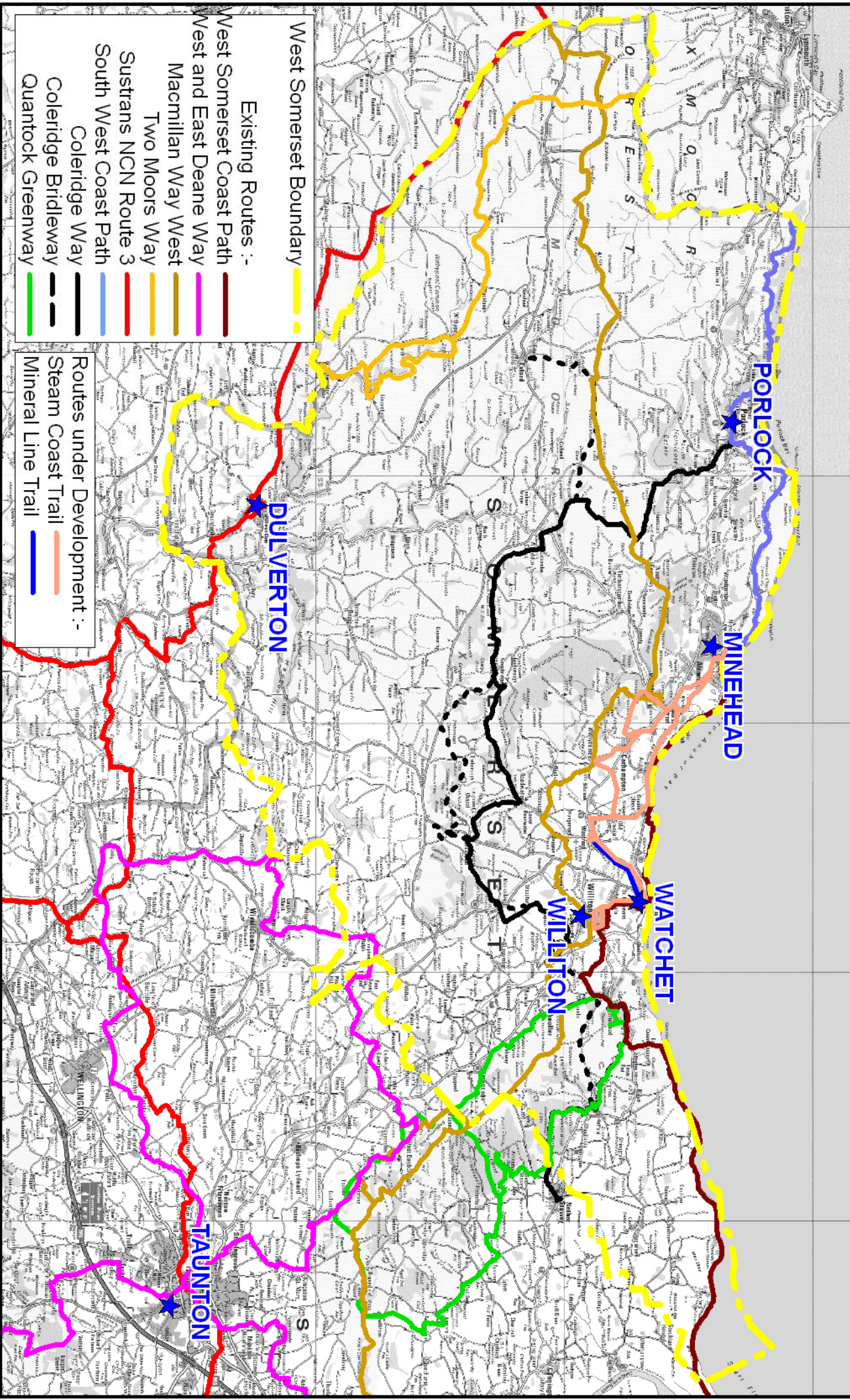
A fixed sum of £100 per dwelling will be charged for residential development and £1.25 per sq metre for commercial floorspace to support the additional resources required by the Council to deliver the administration system.

APPENDIX 1

- Public rights of way within West Somerset
- Promoted routes within West Somerset

Promoted Routes within West Somerset

B R I S T O L C H A N N E L



West Somerset Boundary

Existing Routes :-

- West Somerset Coast Path
- West and East Deane Way
- Macmillan Way West
- Two Moors Way
- Sustrans NCN Route 3
- South West Coast Path
- Coleridge Way
- Coleridge Bridleway
- Quantock Greenway

Routes under Development :-

- Steam Coast Trail
- Mineral Line Trail