



**TOWN AND COUNTRY PLANNING ACT 1990
(As Amended)**

**TOWN AND COUNTRY PLANNING (INQUIRIES
PROCEDURE) (ENGLAND) RULES 2000**

Appeal by Persimmon Homes Severn Valley against the non-determination of the outline planning application for up to 190no. homes (including 50% affordable homes) to include flats and semi-detached, detached and terraced houses with a maximum height of 3 storeys at an average density of no more than 20 dwellings per net acre, 0.13ha of land reserved for Class E uses, allotments, car parking, earthworks to facilitate sustainable drainage systems, orchards, open space comprising circa 70% of the gross area including children's play with a minimum of 1no. LEAP and 2no. LAPS, bio-diversity net gain of a minimum of 20% in habitat units and 40% in hedgerow units, and all other ancillary infrastructure and enabling works with means of access from Shiners Elms for consideration. All other matters (means of access from Chescombe Road, internal access, layout, appearance and landscaping) reserved for subsequent approval.

Land at Rectory Farm (north), Chescombe Road, Yatton, North Somerset

**PLANNING OBLIGATIONS COMPLIANCE STATEMENT
16th September 2024**

PLANNING INSPECTORATE REFERENCE: APP/D0121/W/24/3343144

NORTH SOMERSET COUNCIL REFERENCE: 23/P/0664/OUT

Legislative Framework

1. The legislative framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990 and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (“the CIL Regulations”). Government Policy on planning obligations is set out in paragraphs 55-58 of the NPPF.
2. Regulation 122(2) of the CIL Regulations states that a planning obligation: *“may only constitute a reason for granting planning permission for the development if the obligation is—*
 - (a) necessary to make the development acceptable in planning terms;*
 - (b) directly related to the development; and*
 - (c) fairly and reasonably related in scale and kind to the development.”*
3. Paragraph 55 of the NPPF says: *“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition”*. Paragraph 57 of the NPPF emphasises that planning obligations must only be sought where they meet all tests in Regulation 122(2) of the CIL Regulations.

The Development Plan

4. Policy CS34 (*‘Infrastructure delivery and development contributions’*) of the North Somerset Core Strategy and Policy DM71 (*‘Development contributions, Community Infrastructure Levy and viability’*) of the North Somerset Sites and Policies Plan Part 1 (Development Management Policies) set out the requirement and mechanism to seek developer contributions to mitigate the impacts of a development proposal.
5. Policy CS34 says development contributions will be collected through Section 106 agreements or through a Community Infrastructure Levy. Policy DM71 says: *“Section 106 Agreements will be sought in line with the appropriate regulations and will seek to deliver or address matters that are necessary to make the development proposal acceptable in planning terms and to ensure that new development is supported by the necessary investment in and/or provision of infrastructure and services to meet any additional demand.”* Policy DM71 repeats the planning obligations tests set out in paragraphs 2 and 3 of this statement.
6. The Council’s *‘Development Contributions’* Supplementary Planning Document January 2016 adds further detail to implement policies CS34 and DM71.
7. While policies CS34 and DM71 are the basis and mechanism to secure planning obligations, other planning policies from the development plan apply

to subject-specific matters and the requirements that are necessary to make the development acceptable in planning terms.

8. The planning obligations in the final draft Section 106 Agreement comprise the following topics:
 - i) 50% of the dwellings to be as 'affordable housing' to be on site as part of the development.
 - ii) 50% of the gross site area as public open space
 - iii) Contribution of £180.00 per dwelling (£34,200.00) to be flexibly spent on bus/train taster tickets and/or towards a bike/cycling equipment.
 - iv) Contribution of £1,086,074.33 towards home to school transport costs
 - v) Contribution of £160,000.00 for public transport improvements
 - vi) Contribution of £44,000.00 for improvements to the Strawberry Line.
 - vii) Contribution of £3,400.00 for a Traffic Regulation Order
 - viii) Contribution of £2,200.00 to improving the lining at local junctions linked to the site
 - ix) Contribution of £5,500.00 towards traffic calming measures
 - x) To secure the bat mitigation area

9. The Council's Community Infrastructure Levy (CIL) became operational on 18 January 2018. The application is also liable for CIL.

Summary of Planning Obligations

10. The table below summarises the planning obligations that are included in the Section 106 Agreement and sets out the relevant planning policies and Supplementary Planning Documents that form the justification for the obligation.

Infrastructure requirement	Specific relevant development plan policies	Relevant Supplementary Planning Documents

Affordable Housing	CS16: Affordable Housing DM34: Housing Type and Mix CS34: Infrastructure Delivery DM70: Development Infrastructure DM71: Development contributions	Affordable Housing SPD 2013 Development contributions SPD 2016
Provision of public open space	CS9: Green Infrastructure DM8: Nature Conservation DM9: Trees and Woodland DM10: Landscape	Development contributions SPD 2016 Biodiversity and Trees SPD 2005
Contribution towards public transport taster/cycle provision	CS10: Transport and Movement DM24: Safety, traffic and provision of infrastructure associated with development CS34: Infrastructure Delivery DM70: Development Infrastructure DM71: Development contributions	Development contributions SPD 2016
Contributions towards School Travel for Secondary School Pupils	CS25: Children, Young People and Higher Education CS34: Infrastructure Delivery DM70: Development Infrastructure DM71: Development contributions	Development contributions SPD 2016
Contributions towards Public Transport service provision	CS10 (Transport and Movement) of the CS and DM24 (Safety, traffic, and provision of infrastructure, etc. associated with development) and DM27 Bus Accessibility criteria	Development contributions SPD 2016
Contribution towards Strawberry Line improvements	CS10 (Transport and Movement) of the CS and DM24 (Safety, traffic, and provision of infrastructure, etc. associated with development)	Development contributions SPD 2016
Contribution towards a traffic regulation order	CS10: Transport and Movement DM24: Safety, traffic and provision of infrastructure associated with development CS34: Infrastructure Delivery DM70: Development Infrastructure DM71: Development contributions	Development contributions SPD 2016

Local lining improvements contribution	CS10: Transport and Movement DM24: Safety, traffic and provision of infrastructure associated with development CS34: Infrastructure Delivery DM70: Development Infrastructure DM71: Development contributions	Development contributions SPD 2016
Traffic calming measures	CS10: Transport and Movement DM24: Safety, traffic and provision of infrastructure associated with development CS34: Infrastructure Delivery DM70: Development Infrastructure DM71: Development contributions	Development contributions SPD 2016
Provision of bat off-setting mitigation area	CS4 Nature Conservation DM8 Nature Conservation	Development contributions SPD 2016

Infrastructure requirement assessed against CIL tests:

The following table sets out how the planning obligations comply with the three tests set out in Regulation 122 of the CIL regulations, and the NPPF.

Topic	Test criteria		
	<i>Necessary to make the development acceptable in planning terms</i>	<i>Directly related to the development</i>	<i>Fairly and reasonably related in scale and kind to the development</i>
Affordable Housing	Without this planning obligation the proposal would fail to meet the housing needs of the district and the requirements of the development plan and SPD policy.	The provision of on-site affordable housing means the provision is directly related to the proposal.	The level of affordable housing accords with the requirements of the relevant policies. It should be noted that Policy CS16 sets 30% as a benchmark and that there is no upper limit to the potential affordable

			housing contribution in policy.
Provision of public open space	This provision is necessary to secure the proposed public open space for public use and to ensure its long terms maintenance and retention.	The proposed open space is part of the public benefits offered as part of the development	Without securing the long term future of this part of the site it would be a remnant without any function. Public open space is an appropriate use for it that would go a small way to off-setting other harms identified as arising from the proposal.
Contribution towards public transport taster/cycle provision	To incentivise greater use of sustainable travel for residents of the proposed development.	For the direct benefit of residents of the proposed development and to minimise the carbon emissions emanating from use of private motor vehicles.	The sums are proportionate and will encourage residents to travel on public transport.
Contributions towards School Travel for Secondary School Pupils	Without this planning obligation secondary school pupils may be unable to access school via public transport which could render the development unsustainable. The contribution is required to accord with adopted development plan and SPD policy.	Contributions towards School Travel for Secondary School Pupils	Without this planning obligation secondary school pupils may be unable to access school via public transport which could render the development unsustainable. The contribution is required to accord with adopted development plan and SPD policy.
Contributions towards Public Transport service provision	To encourage greater use of sustainable travel by providing support to and enhancement of .local bus services	The contribution would directly benefit future residents of the scheme, allowing them access to a	The contribution would ensure the maintenance of a local service for the foreseeable future.

	that will be attractive to occupants of the proposed development, for a variety of travel reasons.	greater choice of public transport.	
Contribution towards Strawberry Line improvements	The enable future residents of the development to have easy access by foot and cycle to Yatton Station in all weathers, thereby encouraging sustainable forms of transport.	The section of the Strawberry Line between Yatton Railway Station and proposed southern connection is in a poor condition and requires necessary improvements to ensure it is a useable link for future residents.	The contribution would be sufficient to improve the relevant section of the Strawberry Line for the benefit in particular of future residents of the scheme.
Contribution towards a traffic regulation order	Without this planning obligation the access to the new development may be obstructed and/or rendered unsafe. The contribution is required to accord with adopted development plan and SPD policy.	To amend/extend traffic restrictions and waiting times where necessary.	This is a need arising from the development that would not otherwise occur and is directly related to the known costs of consulting on, and processing, a TRO and associated measures
Local lining improvements contribution	Without this planning obligation the access to the new development may be obstructed and/or rendered unsafe. The contribution is required to accord with adopted development plan and SPD policy.	Lining improvements at Heathgate, Chescombe Road, Grassmere and Mendip Road would promote safe vehicle movements to and from the site.	Due to the intensification of the roads around the site, this will result in an earlier deterioration of the lining at surrounding junctions

Traffic calming measures	Without this planning obligation the access to the new development may be obstructed and/or rendered unsafe. The contribution is required to accord with adopted development plan and SPD policy.	The development would result in increased vehicle speeds along Mendip Road.	The traffic calming would be in the vicinity of the site and address increased vehicle movements associated with it.
Provision of bat off-setting mitigation area	Without this provision the development would cause unacceptable harm to habitat for greater and lesser horseshoe bats	The development would be on land currently used for foraging by bats.	The area of land required has been determined by the appellant's sHRA.

Additional supporting evidence can be supplied on request.

