

West Somerset Council

Planning Obligations

Supplementary Planning Document

Full version

Adopted: December 2009



Contents

1	Introduction	4
2	Affordable Housing for Local Needs	10
	Thresholds	12
	Proportions	12
	Location	13
	Financial Contributions	15
	Occupancy	15
	Liaison	16
3	Safe and Sustainable Travel and Access	17
	Travel Generated by Larger Developments	18
	Travel Generated by Smaller Developments	22
	Street Scene	23
4	Community Infrastructure and Local Natural Environment	25
	Community Buildings	25
	Play Space	26
	Natural Environment	28
5	Education	32
	Schools	32
6	Flooding	34
	Flood Defences	35
7	Value of Planning Obligations	36
8	Maintenance contributions	39
9	Contributions to Administration and Monitoring of Planning Obligation Agreements	40
APPENDIX 1		
	Public rights of way within West Somerset	
	Promoted routes within West Somerset	
APPENDIX 2		
	Worked examples of affordable housing thresholds	
APPENDIX 3		
	Worked examples of residential development viability	

1 Introduction

- 1.1 Planning obligations are intended to make acceptable development which would otherwise be unacceptable in planning terms.
- 1.2 Planning obligations are usually created through agreements between the Council and those with an interest in a piece of land, such as developers.
- 1.3 They are frequently referred to as 'Section 106' agreements as the powers were first introduced under Section 106 of the Town & Country Planning Act 1990.¹
- 1.4 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

[Circular 05/2005](#)² states in para B3:

“...planning obligations might be used to **prescribe** the nature of a development (e.g. by requiring that a given proportion of housing is affordable); or to secure a contribution from a developer to **compensate** for loss or damage caused by a development (e.g. loss of open space); or to **mitigate** a development's impact (e.g. through increased public transport provision). The outcome of all three of these uses of planning obligations should be that the proposed development concerned is made to accord with published local, regional or national planning policies.”

¹ H.M. Government; [Town and Country Planning Act 1990](#) (as amended); H.M.S.O; 1990; ISBN 0 10 540890 5

² Office of the Deputy Prime Minister; [ODPM Circular 05/2005: Planning Obligations](#); The Stationary Office; 2005; ISBN 0 11 753948 1

- 1.5 Planning obligations should also be in line with five criteria specified in Government guidance. They should be;
- i. Relevant to planning
 - ii. Necessary to make the development acceptable
 - iii. Directly related to the development
 - iv. Related in scale and kind to the development
 - v. Reasonable in all other respects
- 1.6 The guidance in this Supplementary Planning Document explains in more detail the Council's priorities for planning obligations and how it will secure them.

The Councils' adopted planning objectives and policies are in the [West Somerset Local Plan \(2006\)](#)³ as saved by Government Direction of 17th April 2009.

Saved Policy PO/1 states:

“The Local Planning Authority in determining planning applications for significant forms of residential, commercial or industrial development may seek to negotiate appropriate planning obligations with developers to provide or contribute to infrastructure or community facilities directly related to the proposed development and commensurate with the development proposals”

Para 8.7.4 of the [West Somerset Local Plan \(2006\)](#)⁴ cross refers to policies H/4 (Affordable Housing), T/14 (Waterfront sites) and R/5 (Amenity Open Space) and lists extra facilities that may be provided, or contributed to with development proposals:

- **“New access roads**
- **Bus shelters**
- **Additional education facilities**
- **Open spaces**
- **Street furniture**
- **Cycle ways**
- **Lighting**

³ West Somerset District Council; [West Somerset District Local Plan \(adopted April 2006\)](#); West Somerset Council; 2006

⁴ *ibid.*

- **Footpaths/pedestrian routes**
- **Public transport infrastructure”**

The planning objectives and policies of the [Draft Regional Spatial Strategy for the South West \(July 2008\)](#)⁵ will have development plan status when adopted. West Somerset Council must determine planning applications in accordance with these policies as well as the [West Somerset Local Plan \(2006\)](#)⁶ policies unless material considerations indicate otherwise. The Government published the [Draft Revised Regional Spatial Strategy for the South West](#) in July 2008.

Development Policy D (Infrastructure for Development) states:

“The planning and delivery of development should ensure efficient and effective use of existing infrastructure and should provide for the delivery of new or improved transport, education, health, culture, sport and recreation and green infrastructure in step with development. Central Government, Local authorities, regional bodies, service providers and developers will work in partnership to identify regionally and sub-regionally significant infrastructure requirements and solutions, including funding.”⁷

Government guidance including **Circulars**, **Planning Policy Guidance** and **Planning Policy Statements** will also carry weight in the determination of planning applications.

This SPD provides non-statutory guidance on how the Council will secure planning obligations in implementing the planning objectives and policies of the West Somerset Local Plan (2006),⁸ the Regional Spatial Strategy for the South West, Government guidance and Somerset County Council in its role as highway authority and Local Education authority..

[Circular 05/2005](#) para B8 states:

“...it will in general be reasonable to seek, or take account of, a planning obligation if what is being sought or offered is necessary from a planning point of view, i.e. in order to bring a development in line with the objectives of sustainable development as articulated through the relevant local, regional or national planning policies”⁹

⁵ Government Office for the South West; [The Draft Regional Spatial Strategy for the South West Incorporating the Secretary of State's Proposed Changes – For Public Consultation, July 2008](#); Government Office for the South West; 2008.

⁶ West Somerset District Council; [West Somerset District Local Plan \(adopted April 2006\)](#); op. cit.

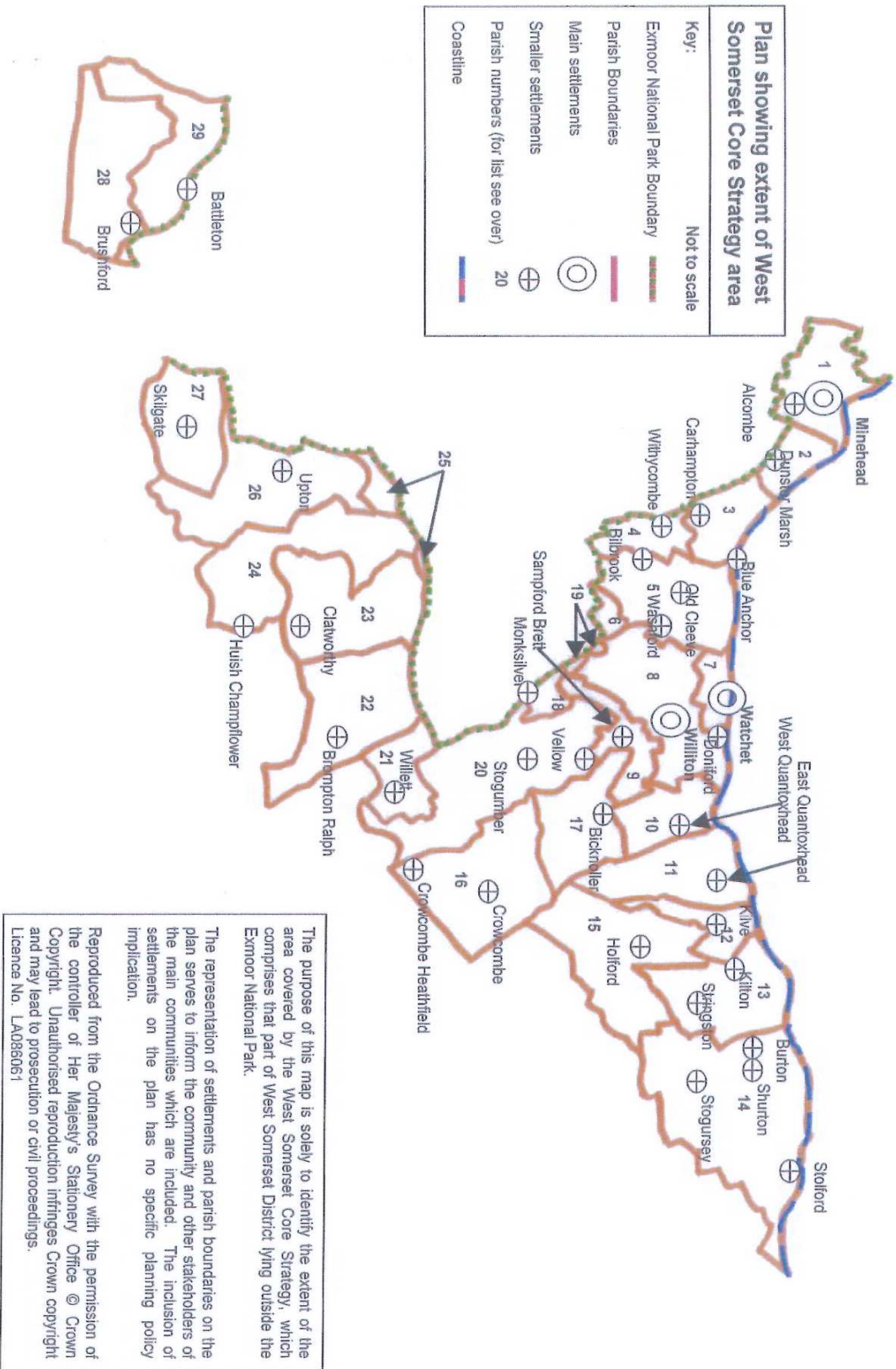
⁷ Government Office for the South West; [The Draft Regional Spatial Strategy for the South West Incorporating the Secretary of State's Proposed Changes – For Public Consultation, July 2008](#); op. cit.

⁸ West Somerset District Council; [West Somerset District Local Plan \(adopted April 2006\)](#); op. cit

⁹ Office of the Deputy Prime Minister; [ODPM Circular 05/2005: Planning Obligations](#); op. cit.

- 1.7 West Somerset Council is the Local Planning Authority (LPA) for those parts of the district outside of the Exmoor National Park (see, Map 1), and this SPD relates only to proposals that are submitted for development in these areas. The Exmoor National Park Authority (ENPA) is the local planning authority for that part of West Somerset falling within the Exmoor National Park. When assessing developments that may impact on the Exmoor National Park, West Somerset Council will consult the ENPA on planning obligations with a view to making the development acceptable in terms of the ENPA's planning objectives.
- 1.8 This SPD will be supplemented by parish-based tables of priorities which will act as guides to planning obligation expectations for each parish in West Somerset. The tables will be available on the West Somerset Council web site. Where changes or variations to the priorities and/or planning obligations originally offered occur, Town/Parish Councils and ward Members will be kept apprised of these, where practicable.
- 1.9 The West Somerset Council Annual Monitoring Report¹⁰ will include updates of time-limited formulae and other information as noted in various parts of this SPD.
- 1.10 The West Somerset Council will expect that a Section 106 or Unilateral Agreement in draft form be submitted with any relevant planning application.

¹⁰ West Somerset Council; [West Somerset Annual Monitoring Report](#) (as amended); West Somerset Council; 2009



Key to Parishes shown on the Plan showing the extent of the West Somerset Core Strategy area.		
West Somerset Parishes lying entirely outside the Exmoor National Park		
Core strategy extent map no.	Parish	Main Settlements
17	Bicknoller	Bicknoller
22	Brompton Ralph	Brompton Ralph
28	Brushford	Brushford
23	Clatworthy	Clatworthy
16	Crowcombe	Crowcombe, Crowcombe Heathfield
11	East Quantoxhead	East Quantoxhead
15	Holford	Holford
24	Huish Champflower	Huish Champflower
12	Kilve	Kilve
9	Sampford Brett	Sampford Brett
14	Stogursey	Stogursey, Burton, Shurton, Stolford
13	Stringston	Stringston, Kilton
7	Watchet	Watchet
10	West Quantoxhead	West Quantoxhead
8	Williton	Williton, Doniford
West Somerset Parishes lying partly within Exmoor National Park		
Core strategy extent map no.	Parish	Main Settlements outside Exmoor National Park
25	Brompton Regis	None
3	Carhampton	Carhampton, Blue Anchor
29	Dulverton	Battleton (south of road)
2	Dunster	Dunster Marsh
21	Elworthy	Willet
1	Minehead	Minehead, Alcombe
18	Monksilver	Monksilver (the part to the north east of the main street)
19	Nettlecombe	None
5	Old Cleeve	Old Cleeve, Washford, Bilbrook
27	Skilgate	Skilgate
20	Stogumber	Stogumber, Vellow
26	Upton	Upton
4	Withycombe	Withycombe

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2 Affordable Housing For Local Needs

- 2.1 Affordable housing for local needs is subsidised housing that will be available to local people who cannot afford to rent or buy housing generally available on the open market.
- 2.2 Recent evidence demonstrates the current and projected acute shortage of housing for local needs in West Somerset.

The Strategic Housing Market Assessment for the [Northern Peninsula \(Dec 2008\)](#)¹¹ estimated that:

- 87% of newly forming households in West Somerset are unable to afford full cost home ownership.
- The waiting list for affordable housing at December 2008 was 1,353
- For the ten year period 2009-2018, there is a net affordable housing need of 271 per year.
- This compares to a projected total new housing supply of only 125 units per year meaning affordable housing need is 2.2 times the projected new housing supply.

[Para ES5.3](#) states:

“It has been estimated that affordable housing need as a proportion of projected new supply is...217% in West Somerset. This shows that, at current build rates, even if all of the housing provided in ...West Somerset were affordable, it would still fall well short of meeting affordable housing need.”

- 2.3 West Somerset Council, the South West Region and national government have planning objectives which attach high priority to addressing these shortages. Accordingly, the achievement of affordable housing for local needs is West Somerset Council’s highest priority for planning obligations.

¹¹ Housing Vision; [Strategic Housing Market Assessment for the Northern Peninsula](#); Northern Peninsula Strategic Housing Market Area Partnership; 2008.

The [West Somerset Local Plan \(2006\)](#)¹² includes the Objective:

“To enable the provision of affordable housing to meet the needs of the local community in both the short and long term”

And Policy H/4:

“Based on the level of identified housing need of the area, affordable housing will be sought on development sites as follows:

In Minehead on any development of 15* or more dwellings or 0.5ha or more; in Watchet and Williton on any development of 5* or more dwellings or any residential site of 0.2ha or more;

In Brushford, Carhampton, Crowcombe, Dunster Marsh, Kilve, Stogursey and Washford on any residential development of 2* or more dwellings of 0.1 ha or more.

The following requirements will be taken into account in assessing proposals:

- (i) Site suitability in terms of proximity to local services and facilities and access to public transport;**
- (ii) Particular costs associated with the development of the site;**
- (iii) The need to realise other planning objectives that should be given priority in the development of the area;**
- (iv) The number and type of outstanding planning permissions in the area.**

***Developers are not precluded from providing affordable housing on sites below the site threshold”**

Policy H1 of the [Draft Revised Regional Spatial Strategy for the South West \(July 2008\)](#) states:

“Within the 29,623 dwellings per annum (at least) required for the region, at least 10,000 affordable homes per annum will be provided in the period to 2026.

Provision will be made for at least 35% of all housing development annually across each Local Authority area and Housing Market Areas to be affordable housing...”

The Government’s [Housing Green Paper ‘Homes for the Future: More Affordable, More Sustainable’ \(July 2007\)](#) sets out a vision of everyone having access to a decent home at a price they can afford, in a place where they want to live and work.

¹² West Somerset District Council; [West Somerset District Local Plan \(adopted April 2006\)](#); op. cit.

2.4 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

2.5 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

2.6 Residential developments should provide 35 affordable units or their equivalent for every 65 market units, calculated as follows:

$$\mathbf{MU} \times 35/65 = \mathbf{AU}$$

MU = *Market Units*

AU = *Affordable Units*

Policy H4 in the [West Somerset West Somerset Local Plan \(2006\)](#)¹³ states that affordable housing will be sought based on the identified housing need of the area (see above) and describes the sizes of developments where affordable housing will be sought. The policy stipulates that developers will not be precluded from providing affordable housing on sites below any of these thresholds.

[Planning Policy Statement 3: Housing \(November 2006\)](#)¹⁴ highlights that although the national indicative site threshold for inclusion of affordable housing is 15 dwellings, Local Planning Authorities can set lower minimum thresholds where these are viable and/or practical. The PPS also states that Planning Authorities should ensure that provision of affordable

¹³ *ibid.*

¹⁴ Department for Communities and Local Government; [Planning Policy Statement 3: Housing \(PPS 3\)](#); The Stationary Office; 2007; ISBN 0 11 753976 7.

housing meets the needs of both current and future occupiers, taking into account any evidence in the Strategic Housing Market Assessment.

The [Northern Peninsula Strategic Viability Assessment Study \(Oct 2008\)](#)¹⁵ found that a 40% affordable housing quota is favourable and viable for West Somerset

PPS 3: Housing states in para 68:

“When making planning decisions for housing development after 1st April 2007, Local Planning authorities should have regard to the policies in this statement as material considerations which may supersede the policies in existing Development Plans.”¹⁶

Policy H1 of the [Draft Revised Regional Spatial Strategy for the South West, July 2008 \(RSS\)](#)¹⁷ states that at least 35% of all housing development annually across each Local Authority area and Housing Market Area is to be affordable.

The RSS states in para 6.1.5 that the range of measures to achieve a step change in affordable housing provision may include specifying different targets to the average regional figure set out in Policy H1 and/or lowering size thresholds where affordable housing may be sought on individual sites for example. In developing policies for affordable housing at the local level regard should be had to assessments of economic viability, scale of need and impact on overall levels of housing delivery

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

Location

- 2.8 Affordable housing should be located on the same site as and be an integral part of the development. The practicalities of managing and maintaining units will be taken into account when agreeing the appropriate spatial distribution of units on a site.

¹⁵ University of the West of England; [Northern Peninsula Housing Market Area – Strategic Housing Viability Assessment Study, Part 1: Report](#); Northern Peninsula Housing Market Area Partnership; 2008;

¹⁶ Department for Communities and Local Government; [Planning Policy Statement 3: Housing \(PPS 3\)](#); op. cit.

¹⁷ Government Office for the South West; [The Draft Regional Spatial Strategy for the South West Incorporating the Secretary of State’s Proposed Changes – For Public Consultation, July 2008](#); op. cit.

PPS 3: Housing (Nov 2006) states:

“In seeking developer contributions, the presumption is that affordable housing will be provided on the application site so that it contributes towards creating a mix of housing. However, where it can be robustly justified, off-site provision or a financial contribution in lieu of on-site provision (of broadly equivalent value) may be accepted as long as the agreed approach contributes to the creation of mixed communities in the local authority area”.¹⁸

2.9 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 within the Parish
3. Elsewhere in the ward in which the development is located
4. Elsewhere in an adjacent ward to the ward in which the development is located
5. Elsewhere in the District

2.10 Off-site provision can be in-kind or in the form of a financial contribution. The provision -from small scale developments (2 or 3 units) will often be off-site and in the form of a financial contribution.

¹⁸ Department for Communities and Local Government; Planning Policy Statement 3: Housing (PPS 3); op. cit.

Financial contributions

2.11 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.

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

***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 (excluding public subsidy)*

Occupancy

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

[PPS 7: Sustainable Development in Rural Areas \(2004\)](#) states in para 9:

“In planning for housing in their rural areas, local planning authorities should apply the policies in PPG3. They should:

(i) have particular regard to PPG3 guidance on the provision of housing in villages and should make sufficient land available, either within or adjoining existing villages, to meet the needs of local people;”¹⁹

¹⁹ Office of the Deputy Prime Minister; [Planning Policy Statement 7: Sustainable Development in Rural Areas \(PPS 7\)](#); HMSO; 2004; ISBN 0 11 753923 6

PPS3: Housing (2006) states in para 30:

“In providing for affordable housing in rural communities, where opportunities for delivering affordable housing tend to be more limited, the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages”²⁰

Liaison

2.13 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 housing need, design standards and funding arrangements.

²⁰ Department for Communities and Local Government; Planning Policy Statement 3: Housing (PPS 3); op. cit.

3 Safe and Sustainable Travel And Access

- 3.1 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.
- 3.2 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.

[Planning Policy Guidance 13: Transport](#)²¹ has 3 objectives to integrate planning and transport at the national, regional, strategic and local level:

- “1. promote more sustainable transport choices for both people and for moving freight;**
- 2. promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and**
- 3. reduce the need to travel, especially by car”**

[Planning Policy Statement 3: Housing](#)²² refers to matters to be considered when assessing design quality of housing proposals:

- Extent to which the development is easily accessible and well-connected to public transport and community facilities and services; ...

The [West Somerset Local Plan \(2006\)](#)²³ includes after para 7.12 the objectives;

- **“To reduce the need to travel and the distances travelled**
- **To promote the development of safe and convenient routes for cyclists and pedestrians”**

- 3.3 Where a development has potential to generate additional travel movements, West Somerset Council will use planning obligations in
-

²¹ Department of the Environment Transport and Regions; [Planning Policy Guidance Note 13: Transport \(PPG 13\)](#); HMSO; 2001; ISBN 0 11 753558 3.

²² Department for Communities and Local Government; [Planning Policy Statement 3: Housing \(PPS 3\)](#); op. cit.

²³ West Somerset District Council; [West Somerset District Local Plan \(adopted April 2006\)](#); op. cit.

pursuit of these objectives to secure sustainable travel outcomes and to mitigate the impact of the development on the transport network.

- 3.4 The District Council recognises that affordable housing schemes are providing substantially for local needs within the District and as such may have a limited additional impact on the transport network. The travel impact of such schemes will be assessed accordingly.

Policy T/15 of the [West Somerset Local Plan \(2006\)](#) states:

“The West Somerset Local Planning Authority will allow the development of land allocated as such in the West Somerset Local Plan (2006) provided that:-

i) The development authorised shall not be brought into use or occupied before any transport improvements identified as necessary to serve it (including such features as public transport links, cycle tracks or footpaths) shall have been completed, or

ii) Such works constitute an integral part of the development.

In such cases the West Somerset Local Planning Authority will ensure the sequence of the provision of access infrastructure and the coming into use of the related development by means of either an appropriate planning condition or by seeking a planning obligation.”²⁴

- 3.5 The District Council will also make use of conditions and planning obligations to ensure that relevant national and County Council highway and parking design standards are met.

Travel generated by larger developments

- 3.6 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.

²⁴ *ibid.*

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 B²⁵ 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.
- See also DfT Good Practice Guidelines “Delivering Travel Plans through the Planning Process” (2009)²⁶
- These figures will be updated through the West Somerset Council Annual Monitoring Report²⁷

3.7 Planning obligations will be used to secure sustainable travel measures identified in Transport Statements, Transport Assessments and Travel Plans associated with larger developments. For the largest developments this could include measures to mitigate the impact on the Strategic Road Network. The Highways Agency would be consulted where such impacts may arise.

3.8 ‘Soft’ travel planning obligations can include green travel vouchers, smarter travel information travel packs and provision of a travel plan co-ordinator.

²⁵ Department for Transport and Department for Communities and Local Government; [Guidance on Transport Assessment Appendix B](#); The Stationary Office; 2007; ISBN 0 11 552856 9

²⁶ Department for Transport and Department for Communities and Local Government; [Good Practice Guidelines: Delivering Travel Plans Through the Planning Process](#); The Stationary Office; 2009; ISBN 1 906591 91 6

²⁷ West Somerset Council; [West Somerset Annual Monitoring Report](#) (as amended); op. cit.

Para 8.7.4 of the West Somerset Local Plan (2006)²⁸ lists facilities that may be provided, or contributed to with development proposals. These include:

- **“New access roads**
- **Bus shelters**
- **Cycle ways**
- **Footpaths/pedestrian routes**
- **Public transport infrastructure”**

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

The West Somerset Local Plan (2006) includes at para 7.12 the Objective:

- **To promote the development of safe and convenient routes for cyclists and pedestrians**²⁹

Policy T/8 of the West Somerset Local Plan (2006) states:

“Car and cycle parking at residential sites shall be provided on the following basis:....

ii) Where a reduced level of car parking is appropriate the developer will instead be required to provide a contribution towards improving deficiencies in public transport, cycleways or pedestrian facilities associated with the development; ...”³⁰

Policy T/7 of the West Somerset Local Plan (2006) states:

“Car parking at non-residential development shall be provided on the following basis:...

iii) Where reduction in vehicle parking is appropriate, contributions will be sought for alternative modes of transport required to serve the development....”³¹

²⁸ West Somerset District Council; West Somerset District Local Plan (adopted April 2006); op. cit.

²⁹ *ibid.*

³⁰ *ibid.*

³¹ *ibid.*

The [West Somerset Community Strategy 2007-2010](#)³² includes:

Action 2.2.1:

“Assist the phased introduction of the Cycle West Somerset network from Minehead to Watchet and coast path facility enhancements.”

Action 14.3.1:

“To promote and provide alternatives to the car, such as public transport, cycling and walking...”

Action 14.3.2:

“To support the WSC/Sustrans initiative for local cycle ways”

3.10 The District Council will use the County Council’s and Exmoor National Park Authority’s Rights of Way Improvement Plans and the developing cycle network as starting points for identifying appropriate local measures.

[PPG17 Planning for Open Space, Sport and Recreation \(2006\)](#)³³

states:

“32. Rights of way are an important recreational facility, which local authorities should protect and enhance. Local authorities should seek opportunities to provide better facilities for walkers, cyclists and horse-riders, for example by adding links to existing rights of way networks.”

Appendix 1 of this SPD includes indicative maps of the Rights of Way within West Somerset and the Promoted Routes within West Somerset.

Further information on the Rights of Way Network can be accessed through the Somerset County Council Rights of Way web site which includes the Somerset Rights of Way Improvement Plan (2006)³⁴ and an interactive map of all public rights of way in Somerset .

³² West Somerset Council; [West Somerset Sustainable Community Strategy 2007 – 2010](#); West Somerset Council; 2007.

³³ Department of the Environment, Transport and the Regions; [Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation \(PPG 17\)](#); The Stationary Office; 2002; ISBN 0 11 753636 9

³⁴ Somerset County Council; [Somerset Rights of Way Improvement Plan](#); Somerset County Council; 2006.

Policy T/11 of the [West Somerset Local Plan \(2006\)](#)³⁵ states:

“The West Somerset Local Planning Authority will seek to encourage the development of safer cycling along the A39 and A358 which link residential areas, education, employment sites and recreational facilities.... .”

Travel Generated By Smaller Developments

3.11 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 levels of walking, cycling and use of public rights of way to provide sustainable travel options to local services and amenities. This will be achieved through provision and improvement of infrastructure, such as cycle paths, and soft measures, such as travel information packs, related to the development.

The [West Somerset Local Plan \(2006\)](#) includes at para 7.12 the Objective:

- **To promote the development of safe and convenient routes for cyclists and pedestrians**³⁶

Policy T/8 of the [West Somerset Local Plan \(2006\)](#) states:

“Car and cycle parking at residential sites shall be provided on the following basis:....

ii) Where a reduced level of car parking is appropriate the developer will instead be required to provide a contribution towards improving deficiencies in public transport, cycleways or pedestrian facilities associated with the development; ...”³⁷

Policy T/7 of the [West Somerset Local Plan \(2006\)](#) states:

“Car parking at non-residential development shall be provided on the following basis..

iii) Where reduction in vehicle parking is appropriate, contributions will be sought for alternative modes of transport required to serve the development....”³⁸

³⁵ West Somerset District Council; [West Somerset District Local Plan \(adopted April 2006\)](#); op. cit.

³⁶ *ibid.*

³⁷ *ibid.*

³⁸ *ibid.*

The [West Somerset Community Strategy 2007-2010](#)³⁹ includes:

Action 2.2.1:

“Assist the phased introduction of the Cycle West Somerset network from Minehead to Watchet and coast path facility enhancements.”

Action 14.3.1:

“To promote and provide alternatives to the car, such as public transport, cycling and walking...”

Action 14.3.2:

“To support the WSC/Sustrans initiative for local cycle ways”

3.12 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.

Street Scene

3.13 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.

Para 8.7.4 of the [West Somerset Local Plan \(2006\)](#)⁴⁰ lists facilities that may be provided, or contributed to with development proposals. They include:

- **“Open spaces**
- **Street furniture**
- **Lighting**
- **Footpaths/pedestrian routes”**

³⁹ West Somerset Council; [West Somerset Sustainable Community Strategy 2007 – 2010](#); op. cit.

⁴⁰ West Somerset District Council; [West Somerset District Local Plan \(adopted April 2006\)](#); op. cit.

3.14 Such improvements are more likely in the larger settlements where deficiencies in the public realm are identifiable and they will need to satisfy the tests for planning obligations referred to in para 1.5 of this SPD.

4 Community Infrastructure And Local Natural Environment

Community buildings

- 4.1 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.
- 4.2 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.

The [West Somerset Sustainable Community Strategy 2007-2010](#)⁴¹ states that one of its key aims is:

“To develop and maintain a thriving sense of community in West Somerset (Aim 6)”

The Sustainable Community Strategy highlights that this aim will be achieved through increasing the use of village halls, community halls and community buildings, schools and school facilities, in order to make them available for use by the general public for such and village fairs

The [West Somerset Local Plan \(2006\)](#)⁴² includes Policy PO/1 which states:

“The Local Planning Authority in determining planning applications for significant forms of residential, commercial or industrial development may seek to negotiate appropriate planning obligations with developers to provide or contribute to infrastructure or **community facilities directly related to the proposed development and commensurate with the development proposals”**

- 4.3 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

⁴¹ West Somerset Council; [West Somerset Sustainable Community Strategy 2007 – 2010](#); op. cit.

⁴² West Somerset District Council; [West Somerset District Local Plan \(adopted April 2006\)](#); op. cit.

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.

PPS 7: Sustainable Development in Rural Areas⁴³ states in para 7:

“Planning authorities should adopt a positive approach to planning proposals designed to improve the viability, accessibility or community value of existing services and facilities, e.g. village shops and post offices, rural petrol stations, village and church halls and rural public houses, that play an important role in sustaining village communities.”

Play Space

- 4.4 West Somerset Council has planning objectives and strategies to improve play facilities.
- 4.5 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.

Para 8.7.4 of the West Somerset Local Plan (2006)⁴⁴ lists facilities that may be provided, or contributed to with development proposals. These include

- **“Open spaces”**

PPG17 Planning for Open Space, Sport and Recreation (2002)⁴⁵ states:

“33. Planning obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreational provision. Local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs. It is essential that local

⁴³ Office of the Deputy Prime Minister; Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS 7); op. cit.

⁴⁴ West Somerset District Council; West Somerset District Local Plan (adopted April 2006); op. cit.

⁴⁵ Department of the Environment, Transport and the Regions; Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation (PPG 17); op. cit.

authorities have undertaken detailed assessments of needs and audits of existing facilities, and set appropriate local standards in order to justify planning obligations.”

Planning Policy Statement 3: Housing⁴⁶ refers to matters to be considered when assessing the design quality of housing proposals including:

- ...the extent to which the proposed development provides, or enables, good access to, community and green and open amenity and recreational space (including play space)...

The West Somerset Council Play Space Audit⁴⁷ highlighted that the distribution and quality of designated play spaces in West Somerset is ad hoc and is not related to the number of children resident in different areas.

Distinct gaps have been found in the amount of designated outdoor play provision in some wards, most notably to the west of the district. The audit also highlighted that the overall quality of designated play spaces is only considered ‘fair’.

The West Somerset Council Play Providers Audit⁴⁸ found that there is noticeably less play provision for older children and young people in the District. There is an imbalance in the type of play provision available (i.e. outdoor-indoor / supervised-unsupervised).

The audit also found that the average cost for children and young people to access play spaces is quite high – most play space in the district is run by businesses. There is also a disparity between the time when most children can access play provision (outside of school hours) and the times that most play provision is open.

There is therefore an identified need for more outdoor facilities.

The West Somerset Sustainable Community Strategy 2007-2010⁴⁹ has a number of aims relating to health, exercise, cultural and leisure activities:

“Aim 8 To improve the health of all people, starting with the most vulnerable”

PPG17 Planning for Open Space, Sport and Recreation (2002)⁵⁰ states:

⁴⁶ Department for Communities and Local Government; Planning Policy Statement 3: Housing (PPS 3); op. cit.

⁴⁷ West Somerset Council; West Somerset Council Play Space Audit; West Somerset Council; 2008

⁴⁸ West Somerset Council; West Somerset Council Play Providers Audit; West Somerset Council; 2008

⁴⁹ West Somerset Council; West Somerset Sustainable Community Strategy 2007 – 2010; op. cit.

“12. Development of open space, sports or recreational facilities may provide an opportunity for local authorities to remedy deficiencies in provision. For example, where a local authority has identified a surplus in one type of open space or sports and recreational facility but a deficit in another type, planning conditions or obligations may be used to secure part of the development site for the type of open space or sports and recreational facility that is in deficit.

13. Equally, development may provide the opportunity to exchange the use of one site for another to substitute for any loss of open space, or sports or recreational facility. The new land and facility should be at least as accessible to current and potential new users, and at least equivalent in terms of size, usefulness, attractiveness and quality. Wherever possible, the aim should be to achieve qualitative improvements to open spaces, sports and recreational facilities. Local authorities should use planning obligations or conditions to secure the exchange land, ensure any necessary works are undertaken and that the new facilities are capable of being maintained adequately through management and maintenance agreements.”

Natural Environment

4.6 The protection of biodiversity is a statutory requirement at international and national level through legislation such as the Habitats Directive,⁵¹ the Wildlife and Countryside Act⁵² and the Natural Environment and Rural Communities Act.⁵³ Government policy for incorporating biodiversity into planning documents is included in PPS 9: Biodiversity and Geological Conservation:⁵⁴

⁵⁰ Department of the Environment, Transport and the Regions; Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation (PPG 17); op. cit.

⁵¹ Council of the European Communities; Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora; European Community; 1992 and, H.M. Government; The Conservation (Natural Habitats & c.) Regulations 1994: Statutory Instrument 1994 No. 2716 (SI 1994/2716); H.M.S.O.; 1994; ISBN 0 11 045716 1

⁵² H.M. Government; The Wildlife and Countryside Act 1981, Chapter 69 (as amended); HMSO; 1981

⁵³ H.M. Government; Natural Environment and Rural Communities Act 2006; The Stationary Office; 2006;

⁵⁴ Office of the Deputy Prime Minister; Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9); HMSO; 2005; ISBN 0 11 753954 6

Para 8.7.4 of the West Somerset Local Plan (2006)⁵⁵ lists facilities that may be provided, or contributed to with development proposals. These include:

- **“Open spaces”**

Open space should provide ‘accessible natural greenspace’ in accordance with Natural England guidelines. This principal has been adopted in the Local Area Agreement ‘Health of the Natural Environment’⁵⁶ local biodiversity indicator, which includes the action to ‘establish policies to encourage greening initiatives within development and to ensure that 20% of greenspace will offer tangible benefits for biodiversity. This indicator has been signed up to by all District Councils and therefore a commitment to green infrastructure needs to be incorporated in any planning documents.

As part of the 20% greenspace, it is recommended that more community woodland is developed in West Somerset. There is a particular need for this especially around Williton. This area has very little accessible woodland at present when compared to the other main town, Minehead, which has North Hill adjacent and there are accessible woodland areas there.

PPS 9: Biodiversity and Nature Conservation⁵⁷ states that all policies set out in the Guidance document must be taken into account by local planning authorities in the preparation of local development documents. One of the key objectives set out in PPS9 is:

“To conserve, enhance and restore the diversity of England’s wildlife and geology by sustaining and, where possible, improving, the quality and extent of natural habitat and geological and geomorphological sites; the natural physical processes on which they depend, and the populations of naturally occurring species which they support.”

PPS 9 also states that Local Authorities should take an integrated approach to planning for biodiversity and geo-diversity when preparing local development documents. Local Authorities should ensure that policies in local development documents reflect and are consistent with national, regional and local biodiversity priorities and objectives.

Regulation 37 of the Habitats Regulations 1994⁵⁸ requires Local Authorities to have regard or policy for ... ‘the management of features of the landscape which are of major importance for wild flora and fauna’.

⁵⁵ West Somerset District Council; West Somerset District Local Plan (adopted April 2006); op. cit.

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

The [West Somerset Local Plan 2006](#)⁵⁹ includes policy NC/5:

“Habitats and other features of the landscape identified as priorities in the West Somerset Biodiversity Action Plan, or otherwise of major importance for wildlife, will be protected and their management and enhancement encouraged by not permitting damaging development and where development is permitted, by the use of planning conditions, obligations and management agreements.”

The [West Somerset Sustainable Community Strategy 2007-2010](#)⁶⁰ has a number of aims relating to green spaces and enhancement of open spaces:

Aim 11: To protect and enhance the wildlife, habitats and landscape of West Somerset.

The Community Strategy proposes to achieve these aims through the promotion of exercise for all people in West Somerset using the natural environment.

The Strategy also states that the Council must ensure that the West Somerset Biodiversity Action Plan is implemented and that planners take account of biodiversity when making decisions.

- 4.8 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 Strategy⁶¹ and Biodiversity Action Plan.⁶² For developments that impact on the Exmoor National Park the District Council will also be guided by

⁵⁶ Somerset Strategic Partnership; [Somerset, a Landscape for the Future: Local Area Agreement 2008 – 2011](#); Somerset County Council; 2008

⁵⁷ Office of the Deputy Prime Minister; [Planning Policy Statement 9: Biodiversity and Geological Conservation \(PPS9\)](#); op. cit.

⁵⁸ H.M. Government; [The Conservation \(Natural Habitats & c.\) Regulations 1994: Statutory Instrument 1994 No. 2716 \(SI 1994/2716\)](#); op. cit.

⁵⁹ West Somerset District Council; [West Somerset District Local Plan \(adopted April 2006\)](#); op. cit.

⁶⁰ West Somerset Council; [West Somerset Sustainable Community Strategy 2007 – 2010](#); op. cit.

⁶¹ West Somerset Council; [Freedom to Play: A Play Strategy for Children and Young People in West Somerset 2008 – 2014](#); West Somerset Council; 2008

⁶² Somerset Environmental Records Centre; [West Somerset District Biodiversity Action Plan 2009](#); Somerset Environmental Records Centre; 2009

the ENPA Biodiversity Action Plan.⁶³ 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.

The [West Somerset Local Plan 2006](#)⁶⁴ includes policy R/12: Informal Recreation Facilities

Development proposals which would facilitate and enhance informal recreational activities and access related to the enjoyment and interpretation of the country side will be permitted where they would:

- (i) Be integrated with the Public Rights of way system or public transport network**
- (ii) Not adversely affect the character of the area; and**
- (iii) Not be likely to have an adverse affect on other land uses in the vicinity**

⁶³ Exmoor National Park Authority and English Nature; [Exmoor Biodiversity Action Plan](#); Exmoor National Park Authority; 2001.

⁶⁴ West Somerset District Council; [West Somerset District Local Plan \(adopted April 2006\)](#); op. cit.

5 Education

Schools

- 5.1 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.

[The West Somerset Local Plan \(2006\)](#)⁶⁵ Policy PO/1 highlights in paragraph 8.7.4 those additional facilities that are considered suitable for developer contributions. This list includes additional educational facilities.

The [West Somerset Sustainable Community Strategy 2007-2010](#)⁶⁶ includes aims regarding the community and education including:

**“Aim 10
To increase the range of opportunities available to fulfil the variety of aspirations of children and young people”**

This aim will be met through the provision of new educational facilities and training opportunities.

- 5.2 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.
- 5.3 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.

⁶⁵ *ibid.*

⁶⁶ West Somerset Council; [West Somerset Sustainable Community Strategy 2007 – 2010](#); *op. cit.*

5.4 Affordable housing schemes will be expected to contribute at 50% of these rates in recognition that they are providing substantially for local needs.

5.5 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	£12,257	£1751
Middle schools: 4 year group	30 places per 262 dwellings	£15,363	£1759
Secondary schools: Minehead College	30 places per 262 dwellings	£18,781	£2150
pre-school (3-4 yr olds)	3 day places per 100 dwellings	£11,521	£349

(These figures will be updated through the West Somerset Council Annual Monitoring Report)

6 FLOODING

- 6.1 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.

[PPS25: Development and Flood Risk](#)⁶⁷ states that all developments taking place in Flood Risk Zone 2 or 3, and all those developments taking place in Flood Zone 1 on sites more than 1 hectare in size, will be expected to produce a Flood Risk Assessment in line with the guidance set out in PPS25 and the accompanying [PPS25: Practice Guide](#).⁶⁸

- 6.2 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.
- 6.3 SFRA's should also show that proposals do not result in increased run-off rates from the site as a result of development.
- 6.4 Where development would impact on water services capacity, the District Council, in consultation with Wessex Water, may use planning obligations to ensure that suitable arrangements are in place to:
- Avoid increasing the risk of sewer flooding
 - Ensure that the timing of the development is linked to a planned investment programme
 - Seek protection of existing assets.

⁶⁷ Department of Communities and Local Government; [Planning Policy Statement 25: Development and Flood Risk \(PPS 25\) \(as amended\)](#); HMSO; 2006; ISBN 0 11 753974 0

⁶⁸ Department for Communities and Local Government; [Planning Policy Statement 25 \(PPS 25\): Development and Flood Risk – Practice Guide](#); Communities and Local Government Publications; 2009; ISBN 14098 2055 0.

Flood defences

- 6.5 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.
- 6.6 The District Council will expect developments on flood plains or that would result in increased flood risk to contribute towards relevant flood defences proposed within the Strategic Flood Risk Assessment. The District Council will use planning obligations to secure such contributions.

Policy W/6 of the [West Somerset Local Plan \(2006\)](#)⁶⁹ states:

“Development on flood plains or that which would result in increased flood risk of water courses, land and property, whether on the site or elsewhere will only be permitted where satisfactory environmentally acceptable measures are undertaken to mitigate these risks.”

⁶⁹ West Somerset District Council; [West Somerset District Local Plan \(adopted April 2006\)](#); op. cit.

7 Value Of Planning Obligations

- 7.1 West Somerset Council does not operate a tariff or levy system for securing planning obligations.
- 7.2 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.
- 7.3 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.
- 7.4 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.
- 7.5 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 in the following locations:

Minehead: £5,000 to £10,000

Watchet: £2,000 to £5,000

Williton: £2,000 to £5,000

Elsewhere: £2,000 to £5,000

(These figures will be updated through the West Somerset Council Annual Monitoring Report)

These figures are similar to the findings of the [Taunton and South Somerset Housing Viability Assessment \(Oct 2008\)](#)⁷⁰ which indicates a non-affordable housing planning obligation contribution of **£2,000 to £6,000** per dwelling has proven viable while still achieving affordable housing provision of 30%-40%. Also, the [Northern Peninsula Viability Assessment Study \(Oct 2008\)](#)⁷¹ assumed a non-affordable housing planning obligation contribution of **£5,000** per dwelling

- 7.6 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.
- 7.7 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.
- 7.8 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

⁷⁰ Fordham Research Group Ltd.; [Taunton & South Somerset Housing Market Areas – Strategic Housing Land Viability Assessment: Final Report](#); Somerset Housing Market Partnership; 2009

⁷¹ University of the West of England; [Northern Peninsula Housing Market Area – Strategic Housing Viability Assessment Study, Part 1: Report](#); Northern Peninsula Housing Market Area Partnership; 2008;

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.

- 7.9 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.
- 7.10 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.
- 7.11 Where a development is solely comprised of affordable housing, a reduced contribution of 50% will be sought for the non-housing element.

8.0 Maintenance Contributions

- 8.1 In accordance with Government guidance (ODPM Circular 05/2005⁷²) the District Council will seek provision for the upkeep and maintenance of facilities secured through planning obligations where such facilities are predominantly for the benefit of the users of the associated development.
- 8.2 Where an asset is intended for wider public use, the District Council may seek contributions towards maintenance until such time as the facility is vested in a body or authority which can draw on public sector funding streams for its maintenance.

Circular 05/2005⁷³ states:

“B18. Where contributions are secured through planning obligations towards the provision of facilities which are predominantly for the benefit of the users of the associated development, it may be appropriate for the developer to make provision for subsequent maintenance (i.e. physical upkeep). Such provision may be required in perpetuity.

B19. As a general rule, however, where an asset is intended for wider public use, the costs of subsequent maintenance and other recurrent expenditure associated with the developer’s contributions should normally be borne by the body or authority in which the asset is to be vested. Where contributions to the initial support (“pump priming”) of new facilities are necessary, these should reflect the time lag between the provision of the new facility and its inclusion in public sector funding streams, or its ability to recover its own costs in the case of privately-run bus services, for example. Pump priming maintenance payments should be time-limited and not be required in perpetuity by planning obligations.

B20. For all maintenance payments, local authorities and developers should agree the type of payments to be made, e.g. regular payments, or commuted sums, all with a clear audit trail.”

⁷² Office of the Deputy Prime Minister; ODPM Circular 05/2005: Planning Obligations; op. cit.

⁷³ ibid.

9.0 Contributions To Administration And Monitoring Of Planning Obligation Agreements

- 9.1 The Council will seek an administration fee for the negotiation and administration of planning obligation agreements and ongoing compliance monitoring.
- 9.2 A fixed sum of £100 per dwelling will be charged for residential development and £1.25 per sq metre for commercial floor-space 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