

Bradford Local Plan

Core Strategy Examination Session Day Eleven

Matter 8: Implementation and Delivery

Date: 20th March 2015

Venue: Victoria Hall, Saltaire

Key issue:

Are the arrangements for monitoring the policies of the Plan adequate, effective, comprehensive and soundly based?

Issue 8.1

Policy ID1 – Development Plan Documents and Annual Monitoring Report

- a. **Is the approach to using Development Plan Documents, Area Action Plans, Land Allocations DPD, Waste Management DPD, Neighbourhood Plans and Supplementary Planning Documents appropriate, effective, soundly based and consistent with the latest national guidance (NPPF/PG)? Is the policy needed?**

Response

- 1.1 The approach is in line with the current Local Development Scheme (SS054) and national policy. The policy confirms the key planning documents which will deliver the Core Strategy and their respective roles. It also confirms the role of the Annual Monitoring Report. For completeness sets out the Councils intended approach to delivering the Core Strategy through the Local Plan and other relevant documents.

Issue 8.2

Policy ID2 – Viability

- a. **Is the approach to viability, including the requirements of developers to submit financial viability appraisals, fully justified with evidence, effective, deliverable, positively prepared, soundly based and consistent with the latest national guidance (NPPF/PPG)? Is the policy unduly onerous, prescriptive and inflexible?**

Response

- 2.1 It is considered that the approach to viability in Policy ID2 is fully justified and consistent with national guidance.
- 2.2 The approach to viability as set out in Policy ID2 is considered to be to be consistent with the approach to viability and plan making in the latest national guidance in NPPF paragraphs 173 and 174 and the latest national PPG on viability and planning obligations which states:
- that local planning authorities, when requiring obligations, should be sufficiently flexible to prevent planned development being stalled. Planning obligations policies should reflect local

viability (PPG Viability, Paragraph: 011 Reference ID: 10-011-20140306)

- where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary (PPG Viability, Paragraph: 017 Reference ID: 10-017-20140306)
- to support negotiations on individual schemes applicants should submit evidence on scheme viability where obligations are under consideration (PPG Planning Obligations, Paragraph: 008 Reference ID: 23b-008-20140306).

2.3 In response to the requirements in NPPF paragraphs 173-174, a Local Plan Viability Assessment was produced in 2013 (EB045) to support the Core Strategy. The Viability Assessment 2013 recommended that viability testing through the development management process can be strengthened through adopting a specific approach in Local Plan policy (EB045, paragraph 5.6). In response to the recommendation in the Viability Assessment 2013 the Council has included policy ID2 in the Core Strategy to provide a basis for formalising viability testing requirements through planning policy.

2.4 An update to the Viability Assessment was undertaken in 2014 to provide an updated assessment of the Core Strategy Publication Draft. The Council's approach to balancing viability and deliverability against development standards is highlighted in the Viability Assessment Update 2014 (EB046, paragraphs 5.1.1 to 5.1.4). This includes the reduction and removal of certain standards in response to viability issues, reinforcing the 'subject to viability' mechanism and the introduction of a dedicated viability policy (Policy ID2) to confirm the Council's approach to testing viability.

2.5 The Viability Assessment Update 2014 indicates some improvement in viability as a result of the amendments made to the policies in the Core Strategy Publication Draft. However, the Council recognise that there remain differences in viability across the District, particularly under current market conditions in some of the lower value areas. The Viability Assessment Update 2014 indicates that a return to peak market conditions will dramatically improve viability; however the inherent uncertainty of predicting future market conditions underlines the importance of the pragmatic and flexible approach reflected in the wording of the policies (EB046, paragraph 5.1.3).

2.6 The Viability Assessment Update 2104 concludes that the flexibility built into the wording of policies in the Core Strategy is such that they are not considered likely to put development viability at any serious risk across the District (EB046, paragraph 5.1.1). It is also important to note that it is considered that not every development will be required to submit a viability assessment and that the use and need for viability assessments is likely to decrease over time presuming market conditions and sales values improve.

- 2.7 Over recent years the Council has operated positive and flexible approach to developer contributions, which recognises that certain developer contributions may need to be lowered or waived where viability issues have been identified with the aim of securing the delivery on economically challenging sites. However, it is considered that any decision to allow reduced S106 contributions must involve developers demonstrating proven scheme viability issues. The current procedure requires developers to submit a viability assessment demonstrating which contributions can and cannot be met and this is appraised by specialist council officers. This continues to remain the Council's policy.
- 2.8 Policy ID2 will help strengthen this approach and provide the basis for further guidance which will set out the detailed requirements for submitting viability assessments to ensure consistent decisions can be taken and appropriate weight accorded to viability considerations.
- 2.9 The approach in Policy ID2 is therefore considered justified, flexible and not unduly onerous as it allows the Council to consider varying planning obligations where justified by viability evidence, and allows the Council to assess local priorities of competing planning obligations on a site by site basis.

Issue 8.3

Policy ID3 – Developer Contributions

- a. Is the approach to developer contributions, including the requirements set out, fully justified with evidence, effective, deliverable, positively prepared, soundly based and consistent with the latest national guidance (NPPF/PPG)? Is the policy unduly onerous, prescriptive and inflexible?**

Response

- 3.1 The approach to developer contributions in Policy ID3 is fully justified through the Local Infrastructure Plan (EB044) which provides the evidence of an infrastructure funding gap and also recognises developer contributions as a potential funding source (see figure 6.1 of the Local Infrastructure Plan, EB044).
- 3.2 Policy ID3 also provides the mechanism for negotiating developer contributions through a planning application process. Policy ID3 is positive and flexible as it allows the Council and developer to have regard to economic viability which is consistent with paragraphs 173 of

the NPPF and paragraphs 002 and 003 'Planning Obligations' of the National Planning Practice Guidance. Policy ID3 has also been tested through the Local Plan Core Strategy Further Engagement Draft (EB045) Local Plan Core Strategy – Publication Draft Viability Assessment (EB046) which demonstrates that the policy is deliverable and positively prepared.

- 3.3 Policy ID3 is not unduly onerous, prescriptive and inflexible. It is consistent with the NPPF paragraphs 203 and 204 and statutory tests set out in regulation 122 and 123 of the CIL Regulations 2010.

Issue 8.4

Infrastructure Delivery

Policy ID4 – Working with Partners

Policy ID5 – Facilitating Delivery

- a. **Is the approach to Infrastructure Delivery, including Working with Partners and Facilitating Delivery, fully justified with evidence, effective, deliverable, positively prepared, soundly based and consistent with the latest national guidance (NPPF/PPG)?**

Response

- 4.1 The approach to Infrastructure Delivery, including Working with Partners and Facilitating Delivery, is fully justified with evidence, effective, deliverable, positively prepared, soundly based and consistent with the latest national guidance (NPPF/PPG). This has been clearly highlighted as part of the Core Strategy Legal Compliance Self Assessment Checklist (SD/007) and the Local Plan Soundness Self Assessment Checklist (SD/008) reports.
- 4.2 The Council's Local Infrastructure Plan (LIP) (EB/044) acts as a key evidence base to the Core Strategy and establishes the links between plan making and infrastructure provisions across the district. The LIP is also supported by an Infrastructure Baseline Analysis Study; see Appendix A in the report (EB/044). The aim of the LIP is to help Core Strategy ensure that current and planned services and infrastructure can match demand and plans are effective in facilitating effective infrastructure delivery.
- 4.3 The Council has been very proactive in infrastructure planning and frontloaded this into its local plan preparation at the earliest opportunity in recognition and accordance to the principles and policies contained

within the latest national guidance in particular NPPF paragraph 17, 21, 156 and 157.

- 4.4 The Council has engaged with Statutory Bodies, neighbouring Local Authorities, Town and Parish Councils, amenity and interest groups, developers, infrastructure providers, various under-represented groups and members of the general public. A full list of internal contacts within the Council and external organisations consulted is included in Appendix C of the LIP (EB/044). Details of Council's overall approach and engagement in particular relation to cross-boundary issues are also highlighted in the Duty to Cooperate Statement (SD/006, page 37).
- 4.5 The approach to Infrastructure Delivery, including Working with Partners and Facilitating Delivery, is fully justified with evidence, effective, deliverable, positively prepared, soundly based and consistent with the latest national guidance (NPPF/PPG).

Issue 8.5

Monitoring and Implementation

- a. **Does the Monitoring & Implementation Framework provide a comprehensive, effective and sound basis for monitoring the implementation of the Plan, including the baseline information, indicators, targets, triggers and proposed actions?**
- b. **Are the delivery mechanisms, phasing and timescales for the implementation of the policies clearly identified, including critical elements of infrastructure required and further technical work needed on highways, drainage, utilities and other critical infrastructure improvements?**
- c. **Do the policies in the Plan include sufficient flexibility and contingencies to take account of unexpected changes in circumstances, indicate when the plan will need to be reviewed, and identify the remedial actions to be taken if policies are not being successfully implemented?**

Response

Part a)

- 5.1 The Council considers that the Framework provides a comprehensive, effective and sound basis for monitoring the implementation of the Plan. In particular, it would refer to the suite of indicators noted in paragraph 7.3 of the Plan, and the fact that the Key Plan indicators are only one element of this suite. These indicators are seen as proportionate and reflect the strategic policy areas.

- 5.2 In addition, mindful that the Core Strategy is a strategic document, a monitoring framework will be included in other site specific DPD's that will form part of the Local Plan.

Part b)

- 5.3 The delivery mechanisms, phasing and timescales for the implementation of the policies are clearly identified within the Core Strategy.
- 5.4 In relation to the critical elements of infrastructure including further technical works that may be required, these are clearly highlighted within the infrastructure schedule and the summary tables in the Local Infrastructure Plan (LIP) (EB/044). The LIP further recommends forming an 'Infrastructure Planning Group' with the responsibility to review any future iteration of the study and also to develop an 'Infrastructure Project Tracker' to monitor potential infrastructure requirements emerging from new developments.
- 5.5 The LIP will be embedded within the monitoring and management process of the Local Plan and updated alongside Annual Monitoring Report (AMR).

Part c)

- 5.6 The policies of the Plan include, as far as possible, flexibility and contingencies to take account of unexpected changes in circumstances. With particular regard to flexibility, attention is drawn to policies that are subject to 'viability' and Policy ID2. However, unexpected changes are limitless in scope and it would not be practical, or desirable, to reference them all in policy wording. This situation is also relevant when considering remedial actions, one of which may be a review of the Plan. Paragraph 7.4 of the Plan highlights the need to assess the likely causes if indicator targets are not being met. Until such an assessment is undertaken it is impossible to predict what possible remedial action is appropriate.