



## 6.0 Implementation, Delivery and Monitoring

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### **6.1 Introduction**

- 6.1.1 Having clearly set out the direction for the future growth and development of Bradford district and its communities through the policies and proposals of the Local Plan, it is essential that the appropriate tools are put in place to help implement them. This will help to ensure the successful delivery of the Plan.
- 6.1.2 National planning policy requires Local Plan to include strategic policies to deliver, amongst other things, the provision of infrastructure and should plan positively for development and infrastructure required to meet the objectives, principles and policies of the NPPF.
- 6.1.3 When planning for the long-term development of the district, it is vital that future growth is supported by appropriate infrastructure. The capacity, quality and accessibility of services and facilities are all key components in ensuring people can enjoy living, working and visiting the area.
- 6.1.4 The term infrastructure can be taken to include roads and other transport facilities, flood defences, schools and other educational facilities, health facilities, mobile and broadband technology, sporting and recreational facilities and open spaces. This is not an exhaustive list and there may be a range of other services and facilities that could constitute infrastructure, which will be required to deliver this Plan. Generally, it can be described under three categories – physical, social and environmental/green infrastructure.
- 6.1.5 This section of the plan sets out how the council intends to ensure that infrastructure is delivered to support growth and that development contributes towards its provision, where required, and how developer contributions to fund infrastructure will be secured. It highlights that delivering the Plan requires significant of partnership working with a range of bodies and provides the context for monitoring the Local Plan.

### **6.2 Preferred Option – Policy ID1: Infrastructure Delivery**

#### **Introduction**

- 6.2.1 The provision of new or enhanced infrastructure is vital to support the delivery of the Local Plan's vision, objectives and policies. It also essential in helping to maintain and create sustainable communities and better places. In addition, it can also bring economic opportunities and benefits. A key role for the Local Plan is ensure that appropriate infrastructure is delivered in a timely manner to support growth and development.
- 6.2.2 There are several ways in which the Council can assist with the delivery of infrastructure including:
- partnership working with infrastructure providers
  - the mitigation of the impacts of development through the planning process
  - supporting asset reviews and making the best use of existing facilities

- 6.2.3 However, the responsibility for infrastructure delivery does not solely rest with the Council. It relies on the close collaboration and combined efforts as well as investment from a wide range of partners from across the public, private and voluntary sectors. The Council already works closely with partners at the Bradford district and Leeds City Region level including the Bradford District Partnership, Leeds City Region Local Enterprise Partnership and the West Yorkshire Combined Authority, and this will continue in order to aid the delivery of the Local Plan. Other key partners in this process will include health and education providers, utilities providers and government agencies.

### **Local Infrastructure Plan (LIP)**

- 6.2.4 The Local Plan will be supported by a Local Infrastructure Plan (LIP). This is a key piece of evidence that provides a mechanism to define the infrastructure requirements to support and deliver the Local Plan. It will examine existing infrastructure capacity and its ability absorb growth, identify future physical, social and environmental/green infrastructure requirements, the potential cost and sources of funding. It also takes into account, where appropriate, the investment plans and strategies of other infrastructure providers and public bodies.
- 6.2.5 Its preparation will involve working closely, on an ongoing basis, with internal and external partners to identify the specific infrastructure projects to be delivered. The LIP will include an Infrastructure Delivery Schedule (IDS) that will identify what new or improved infrastructure is planned, who will be involved and the resource implications. This will provide a detailed investment plan for infrastructure requirements in the District and will help the Council to negotiate levels of, and obtaining, planning contributions. It will also assist the Council in attempts to secure funding for infrastructure and key projects.
- 6.2.6 The LIP, including the IDS, is a “live document”. It will be monitored, as part of the Annual Monitoring Report process, and reviewed and updated to ensure that appropriate infrastructure is delivered.

### **Infrastructure Delivery**

- 6.2.7 New development will be expected to make the best use of existing infrastructure, where sufficient capacity existing accommodate needs. Where improvements to existing infrastructure are required, new development will normally be expected to meet the costs of such infrastructure, along with providing any additional infrastructure requirements arising from the development.
- 6.2.8 For individual developments, developers, working in conjunction with the Council, will be required to demonstrate that there is adequate infrastructure capacity both on and off site to serve their development. Where there is a capacity problem, developers will be expected to fund or to contribute towards the necessary improvements or new provision to serve needs arising from their development.
- 6.2.9 Developers should be clear over the extent of infrastructure required to service developments at an early stage of the development process and that required as a scheme starts to be built out.

### **Digital Connectivity**

- 6.2.10 Digital connectivity and the introduction of new technology offers opportunities for residents and businesses within the district to be better connected and to access

digital services more efficiently. It can be a driver for increased productivity, economic growth, job creation and improving the wellbeing of communities as well as enabling social inclusion. It has become increasingly essential during the COVID-19 pandemic and will continue to do so in the post pandemic recovery.

- 6.2.11 The importance of introducing new technologies is also recognised locally, forming part of our Corporate Plan and the continuing work to ensure that gigabit connectivity is delivered across the District. The Council's Economic Strategic identifies that investment in ultra-fast broadband will support business growth and help the district forge a competitive advantage in emerging technologies. Work is underway to prepare a Digital Strategy.
- 6.2.12 New infrastructure will continue to play a greater role in our ability to access digital services and to work more flexibly off-site, either at home or at a choice of locations. It can also make businesses more resilient and future proofed. For example, Full Fibre is a pre-requisite for 5G and brings opportunities to drive innovation in business, enhanced productivity from home working, efficiency benefits for public services through online access and underpins digital transformation.
- 6.2.13 There is a commitment to ensuring that the Bradford district has a first class digital network in place so that it remains an attractive area for residents to live and for businesses to operate from and invest in. This improvement to the District's digital network needs to be achieved in conjunction with new developments.
- 6.2.14 The Government has taken significant steps to increase the delivery of such technologies. This includes new ambitious targets such as delivering gigabit capable networks UK wide by 2025 and plans to amend Building Regulations to ensure that all new homes have the right infrastructure to support gigabit broadband. The National Planning Policy Framework acknowledges the importance of supporting these technologies classing them as 'essential for economic growth and social well-being' and that planning authorities should support the expansion of these technologies<sup>1</sup>.

### **Developer Contributions**

- 6.2.15 Contributions for infrastructure will be sought via the Community Infrastructure Levy (CIL) or planning obligations (see Policy ID2). The council will identify key infrastructure priorities and projects in its Infrastructure Funding Statement (IFS) as set out in the Infrastructure List which replaces the CIL Regulation 123 List and reports on the infrastructure projects or types of infrastructure that the Council intends to fund either wholly or partly using the CIL and other planning obligations.

#### **Policy ID1: Infrastructure Delivery**

##### **A. Development will be expected to provide, or contribute towards the provision of infrastructure to:**

- 1. Directly mitigate the impacts of the development and make it acceptable in planning terms;**
- 2. Contribute towards the delivery of essential infrastructure items identified in the Local Infrastructure Plan**

<sup>1</sup> National Planning Policy Framework (NPPF) (February 2019) – Paragraph 112

- B. The timing and prioritisation in the delivery of essential infrastructure will accord with Policy HO1 and the Local Infrastructure Plan. Essential infrastructure will be identified on the policies map in order to safeguard its future provision.**
- C. The Council will work with a range of partners, including neighbouring authorities, Leeds City Region Local Enterprise Partnership, the Local Strategic Partnership, West Yorkshire Combined Authority, infrastructure providers, private sector bodies and stakeholders, to ensure that requirements for new infrastructure and services can be met.**
- D. Specific area infrastructure requirements required to support or deliver strategic sites, larger sites or groups of sites forming larger extensions to settlements will be set out in HO1 and relevant site allocation pro-formas.**
- E. The roll out and continued improvement of affordable, ultrafast, high capacity digital infrastructure including broadband and next generation mobile technology serving where practical and all parts of the District will be supported, subject to an evaluation of environmental (primarily Policies SP10, SP11, EN2, EN3, EN4, EN5, EN6, EN9) and safety including air safety (Policy TR7) constraints.**
- F. The provision and implementation of utilities infrastructure including electrical, gas, potable water and communications networks should be co-ordinated with where possible maintenance assessable common service trenches to reduce capital costs and ensure that infrastructure such as Fibre To The Premises (FTTP) forms part of essential early stage infrastructure delivery and should be operational at first occupancy.**
- G. All major developments shall deliver FTTP unless there are clear justifiable reasons this is not practical, viable or feasible to which non-Next Generation Access technologies should be provided that can deliver download ultrafast speeds in excess of 100 Mbps as an alternative. Non-major development schemes will also be encouraged to deliver FTTP where this is possible.**
- H. Radio, mobile and electronic communications masts should be designed to be sympathetic to their wider environments, with shared operator capacity where possible and future proofed for consumer and network demands. Major development near digital infrastructure should avoid signal interference and if necessary provide sufficient mitigation.**
- I. All residential and new employment development should consider the mobile telecommunications requirements of the development proposals and ensure and demonstrate that there would sufficient coverage. This information should be submitted in a site connectivity plan during pre-application and application stages.**

## **Reasonable Alternatives**

6.2.16 The alternatives considered were:

- **Do not include a policy** – national policy requires Local Plans to plan for future infrastructure needs and put in place the necessary for securing future provision or contributions towards it.
- **Split the policy into specific topic items** – the single policy approach is simple to understand and provides quick access to material.
- **Set an alternative standard for Non-Next Generation Access Technologies** – standard level has been set in light of technical advice.

### Consultation Question 142

#### **Policy ID1: Infrastructure Delivery**

The preferred policy sets out the Council's approach to delivering infrastructure to support the development requirements set out in the Local Plan in a timely manner.

**Q141. Please provide your comments for Policy ID1 and any suggested changes to the policy?**

**If you would support an alternative to the Preferred Option, please provide further details and evidence to support this.**

## **6.3 Preferred Option – Policy ID2: Developer Contributions**

### **Introduction**

- 6.3.1 Developer contributions is the collective term used to refer to the Community Infrastructure Levy (CIL) and planning obligations (also known as Section 106 agreements). These are planning tools that can be used to secure financial and non-financial contributions (including affordable housing), or other works, to provide infrastructure to support development and mitigate the impact of development.
- 6.3.2 The type of matters where developer contributions may be sought include:
- affordable housing;
  - community facilities;
  - drainage and flood prevention.
  - education;
  - environmental improvements;
  - health facilities;
  - open space, sports and leisure;
  - employment and skills agreements
  - transport infrastructure;
  - green travel plans;
  - mitigation for impacts to the South Pennine Moors SPA/SAC.

- 6.3.3 This list is not exhaustive and may be added to. Government reforms to the Planning System may also affect the matters for which contributions will, or can, be sought.

### **Planning Obligations**

- 6.3.4 The Council attaches conditions on planning permissions and seeks contributions through planning obligations (Section 106 agreements) from developers, to secure the best use of land and a properly planned environment in the District. Section 106 agreements are legal agreements linked to planning permissions that regulate the way a development is undertaken and are used where it is not possible to regulate the permission by means of a condition. They may be in the form of in kind benefits, or a financial contribution, and may be used to prescribe the nature of a development, compensate for loss or damage created by a development, or mitigate the impacts associated with the development.
- 6.3.5 The Government's current approach to planning obligations is set out in the on-line Planning Practice Guidance (2014 onward). Under the Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended), a planning obligation may only constitute a reason for granting permission if the planning obligation is:
- i) necessary to make the development acceptable in planning terms;
  - ii) directly related to the development; and
  - iii) fairly and reasonably related in scale and kind to the development.
- 6.3.6 The intensification of development and employment place demands on the District's services, infrastructure and environment. The Council attaches planning conditions and negotiates planning obligations with developers to mitigate the impact of these demands. The nature and level of any contribution sought takes account of the demands created by the development concerned, existing levels of provision within the District, the Council's priorities and the impact of the obligation upon the viability of the development proposed.
- 6.3.7 The scale and type of benefits sought must be related to the demands created by the development. Large developments have impacts that spread beyond the immediate site, creating demand for labour, transport, housing and amenities, and they have an impact on the wider environment. Some of these impacts may be mitigated by the direct provision of infrastructure or services by a developer, others may require a financial contribution.
- 6.3.8 Changes to the CIL Regulations in 2019 removed the restrictions on pooling more than five planning obligations towards a single piece of infrastructure. This means that, subject to meeting the 3 tests set out in CIL regulation 122, charging authorities can use funds from both the levy and section 106 planning obligations to pay for the same piece of infrastructure regardless of how many planning obligations have already contributed towards an item of infrastructure.
- 6.3.9 It is difficult to identify specific priorities for planning obligations at this stage for a district as diverse as Bradford, which will have different priorities in different locations over time. The identification of priorities within the policy will reduce the flexibility of the Local Plan to respond to these changing demands and priorities.

### **Community Infrastructure Levy**

- 6.3.10 The Community Infrastructure Levy (CIL), introduced in 2010, is a levy that local authorities can choose to charge on new developments in their area. The money can be used to support development of the area by funding the infrastructure that the



Council, local communities and neighbourhoods deem as necessary. It takes the form of a Charging Schedule that sets a standard charge on new development, based on a sum of money per square metre. The charge is index linked from the year CIL was introduced to the year that the planning permission has been granted. It should be noted that CIL does not fully replace planning obligations – the section 106 system remains in place; however, their use is restricted to ensure developments are not charged twice for the same infrastructure project.

6.3.11 As a CIL Charging Authority, the Council introduced a CIL Charging Schedule in July 2017. The following types of development are liable for CIL:

- Any residential development of 1 new dwelling or more
- Residential extension/annexes over 100 sq m in size (gross internal floor area)
- Supermarket over 2000 sq m in size (use class E)
- Retail warehouse (use class E) central Bradford

6.3.12 The CIL rate charged on residential development varies across the district, which is divided into four charging areas (Residential Charging Zones 1 to 4). The charge varies across the different zones. In Zone 4 the charge is £0 per m<sup>2</sup> – as such the Council will be returning to the use of Section 106 Agreements.

6.3.13 In line with CIL Regulations 2010 (as amended) 15% of CIL income is passed directly to those town and parish councils where development has taken place, subject to a cap set out in CIL regulations. This increases to 25% in any areas with an adopted neighbourhood plan.

6.3.14 The Council is required to publish an Infrastructure Funding Statement (IFS) on an annual basis. This provides a summary of financial developer contributions secured either through Section 106 Agreements or Community Infrastructure Levy (CIL) payments within the district. The IFS will be accompanied in future by list of key infrastructure priorities, which will be informed by the Local Infrastructure Plan (LIP).

6.3.15 The Council has committed to an early review of CIL, which will seek to update the existing Charging Schedule in line with latest national policy, CIL regulations and viability evidence.

### **Policy Approach**

6.3.16 The policy approach highlights the general principle that contributions will be required where necessary in planning terms, and indicates the broad range of matters that may need to be addressed. The impact of any contributions on the viability of a scheme will be a material consideration in the planning process as set out in Policy ID2. It will be delivered through the development management process with contributions being secured in accordance with the relevant legislation and guidance. A Developer Contributions Supplementary Planning Document will be prepared to support the delivery of this policy.

6.3.17 Developer contributions under this policy include planning obligations secured through s106 agreements and the Community Infrastructure Levy.

### **Policy ID2: Developer Contributions**

**Development proposals will be expected to contribute towards the cost of providing infrastructure and of meeting social and environmental requirements, necessary to make the development acceptable in planning**



terms where directly related to the proposed development, and fairly and reasonably related in scale and kind to the development.

A. Through planning application discussions, the Council will negotiate the contribution to be secured through a planning obligation. The nature and scale of the contribution sought will be determined having regard to the:

1. Scale and form of development;
2. Capacity of existing infrastructure provision; and
3. Potential impact of the development upon the surrounding area and facilities.
4. Opportunity to support the public sector's equality duty
5. Economic Viability

The appropriate range and level of contributions will be assessed in a comprehensive manner, taking into account the above criteria, strategic infrastructure requirements and, where appropriate, the use of standard charges and formula as set out in Appendix 13.

B. Where development has a significant impact on the Strategic Road Network developer contributions will be sought through Section 278 agreements.

C. In line with the adopted Community Infrastructure Levy (CIL) charging schedule.

### Reasonable Alternatives

6.3.18 No alternative considered – the policy has been subject to a minor factual update to the reflect the adopted of the Community Infrastructure Levy (CIL) charging schedule in July 2017.

### Consultation Question 143

#### Policy ID2: Developer Contributions

Policy ID2 sets out the Council's approach to securing developer contributions to provide infrastructure to support development and mitigate the impact of development.

**Q142: Do you agree with the preferred approach to developer contributions?**

**If you would support an alternative to the Preferred Option, please provide further details and evidence to support this.**

## 6.4 Preferred Option – Policy ID3: Viability

### Introduction

6.4.1 Ensuring the viability and deliverability of planning policies and development are important considerations in plan making and decision taking.

- 6.4.2 National planning policy and guidance require infrastructure and viability issues to be assessed in detail as part of the process of preparing Local Plans. This means that the onus will be on the applicant to demonstrate if site specific circumstances justify the need for a viability assessment at the planning application stage.

### **Whole Plan Viability Assessment**

- 6.4.3 To ensure the Local Plan is viable and deliverable it has been informed by a Whole Plan Viability Assessment. This includes the cumulative impact of all relevant Local Plan policies as well as infrastructure requirements and planning obligations on development viability. It will assess the viability of development across the district and help ensure the Plan policies are implemented in a way which supports the delivery of sustainable development.
- 6.4.4 The policy requirements and standards in the Local Plan will be set at a level to ensure that the planned scale of development is not subject to such a scale of obligations that its ability to be developed viably is threatened. However, at a plan wide level the Whole Plan Viability Assessment only provides evidence that the policies and standards are broadly viable, as the results are based on modelling assumptions and hypothetical schemes.
- 6.4.5 There may be instances where site specific circumstances mean that a scheme will not be able to be developed viably with the policy requirements in the Local Plan. Therefore, certain policy requirements in the Local Plan are subject to viability to ensure delivery of planning objectives at all stages of the economic cycle and that individual site circumstances are taken into account.

### **Viability Assessment**

- 6.4.6 Viability Assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. Where an applicant wishes to demonstrate that a site is financially unviable based on the level of planning obligations, policy and infrastructure requirements required by the Council, or site specific issues, they must provide a suitably detailed Viability Assessment to support this claim. It should be based upon, and refer to, the Whole Plan Viability Assessment that has informed the Local Plan. It should also reflect the approach to defining key inputs set out in national Planning Practice Guidance (PPG) on Viability
- 6.4.7 In accordance with the National Planning Policy Framework (NPPF) (2019) and PPG, the approach to viability is to be “open book” with the onus placed on the applicant to demonstrate whether circumstances have changed since the Whole Plan Viability Assessment was undertaken.

### **Policy Approach**

- 6.4.8 Policy ID3 will help to ensure the Local Plan is viable and deliverable by establishing the principles for considering financial viability through the plan making and development management processes. The Policy supports objectives 1, 2 and 5 of the Local Plan.

### **Policy ID3: Viability**

- A. Viability will be considered as part of the plan-making process through the Whole Plan Viability Assessment. Development proposals that are compliant the Local Plan are assumed to be viable on the basis of the Assessment and its associated evidence.**
- B. The Council will consider the viability of development proposals at the planning application stage where exceptional circumstances exist which impact on the ability of a development scheme to meet all planning policy requirements, including those secured through planning obligations. The applicant will be required to demonstrate such circumstances justify the need for a viability assessment.**
- C. Where a viability assessment is submitted at the planning application stage, it should:**
- **Follow the approach set out National Planning Policy Guidance;**
  - **Be based on the Whole Plan Viability Assessment, accounting for any site specific issues and, or changes in circumstances since that Assessment;**
  - **Follow an “open book” approach in order to allow for a full review of evidence and maintain transparency.**

### **Reasonable Alternatives**

- 6.4.9 No alternative considered – the policy seeks to ensure consistency with national planning policy.

### **Consultation Question 144**

#### **Policy ID3: Viability**

Policy ID3 will help to ensure the Local Plan is viable and deliverable by establishing the principles for considering financial viability through the plan making and development management processes.

The Preferred Option reflects national planning policy and guidance that places greater emphasis on establishing financial viability as part of the plan making process, and sets out the circumstances under which viability of development proposals will be considered at the planning application

**Q143: Do you agree with the preferred approach to viability?**

**If you would support an alternative to the Preferred Option, please provide further details and evidence to support this.**

## 6.5 Partnerships, Monitoring & Review

### Delivering in Partnership

6.5.1 The Local Plan represents an opportunity for the Council to set positive vision for Bradford District. However, it is important to recognise that many other processes will influence their achievement, including the implementation of other plans and strategies produced at the national, sub-regional and local levels, investment by the public, private and voluntary sectors, and the actions of individual businesses and residents. The Local Plan is therefore an essential component in delivering the spatial vision and strategic objectives, but not sufficient on its own. This means that the Council has develop a wide range of partnerships to ensure that this takes place: Key partners will include:

- Developers;
- Housebuilders;
- Local communities e.g. through the development of Neighbourhood Plans;
- The business sector and their representatives;
- Infrastructure providers e.g. utilities companies, transport providers, the NHS and emergency services;
- Government agencies e.g. the Environment Agency, Homes England, and Natural England.
- Regional/Sub-Region bodies e.g. Transport for the North, Local Nature Partnership and adjoining local authorities;
- West Yorkshire Combined Authority; and
- Leeds City Region Local Enterprise Partnership

### Monitoring and Review

6.5.2 The Council is committed to ensuring robust monitoring of the implementation of the Local Plan. The aim is to ensure that the plan is delivered successfully and in a timely manner, as well as taking appropriate actions and/or measures to address any ineffective policies and proposals.

6.5.3 The Local Plan has been prepared in order to be flexible over the plan period and adjust to changes where they arise. These changes may include changes to national policy and guidance, demographic changes and variable economic conditions. There also may be circumstances or unexpected external factors that means certain policies become less effective or out of date. Monitoring the plan is essential in identifying any issues and devising appropriate actions. Such actions might include adjusting the implementation of the policies or undertake a partial or full review of the Local Plan.

6.5.4 A Monitoring Framework will be developed which identifies indicators and targets for the implementation of the Local Plan as a whole as well as measure the implementation of specific policies. It will also identify trigger points at which it may be appropriate to address any emerging issues.

6.5.5 The framework will seek to optimise the use of other monitoring systems the Local Planning Authority has such as Planning Application Monitoring. It will also seek to make use of other Council Departments and other organisations monitoring systems.

- 6.5.6 The Council, in line with national policy, will review the policies in the Plan to assess whether they need updating at least once every five years and the policies will be updated as necessary.

### **Housing and Employment Land Trajectories**

- 6.5.7 Delivery trajectories for housing and employment site allocations are included within the Bradford District Site Assessment Methodology and Report (2021) and will be included within the main body of the Local Plan for Regulation 19. The Strategic Land Assessment also includes broad trajectories.



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