

Local Development Framework for Bradford

# Planning Obligations

## Supplementary Planning Document

October 2007



City of Bradford MDC

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## 1.0 INTRODUCTION

- 1.1** This document sets out the approach that will be taken by Bradford Council with regard to the implementation of Policy UR6 of the Replacement Unitary Development Plan for the Bradford District. The document will provide guidance for developers in terms of the Council's key areas for contributions. Obligations will be sought where development results in an increased need for facilities, services or infrastructure in a particular area.
- 1.2** Planning obligations are described in Paragraph B3 of Circular 05/05 as being *'private agreements negotiated...between local planning authorities and persons with an interest in a piece of land, and intended to make acceptable development which would otherwise be unacceptable in planning terms'*. Planning obligations are not solely monetary; developers may be asked to provide a facility on-site such as affordable housing or children's play space.
- 1.3** Planning obligations can be used to prescribe, mitigate and compensate for the impact that a development may cause. There is much variation across the country in terms of how much money is secured through planning obligations and there is now a desire in Government circles to achieve a greater consistency in terms of how monies are secured, and also to maximise opportunities to obtain developer contributions. This Supplementary Planning Document (SPD) will provide a clear and accountable framework for developers. Research carried out for the Department for Communities and Local Government by the University of Sheffield (2006) – *Valuing Planning Obligations in England* – concluded that local authorities are not maximising the potential of planning obligations and the mechanism can be used much better.
- 1.4** Supplementary Planning Documents are not part of the statutory development plan, but provide supplementary guidance to policies and proposals contained in Development Plan Documents (DPDs), or in this case, the Replacement Unitary Development Plan.
- 1.5** This Supplementary Planning Document forms part of the Local Development Framework (LDF) for the Bradford District and expands Policy UR6 of the Replacement Unitary Development Plan (UDP) which was adopted in

October 2005, but is also linked to a number of other policies in the Replacement UDP. When determining planning applications, the Council will treat this document as a material consideration, therefore developers must ensure that they have read and understand the issues raised in this document before submitting a planning application.

## **2.0 OBJECTIVES OF THE DOCUMENT**

- 2.1** *Planning Obligations: Practice Guidance (DCLG, 2006)* encourages local planning authorities to have procedures in place so that planning obligation negotiations do not unnecessarily slow down the planning process, and increase the predictability, transparency and accountability of the process.

### **2.2 Speed**

As this SPD sets out what type of agreement developers can expect to enter into, unnecessary and timely negotiations can be removed from the process. There will be increased clarity for all parties which will undoubtedly increase the speed at which planning decisions are made.

### **2.3 Predictability**

The formulae set out in the second part of this document will increase certainty for developers of what is expected from them. A District-wide approach will also ensure that there is not a conflict of advice between different Planning offices and will also ensure that there is consistency between different applications across the District.

### **2.4 Transparency**

This SPD will outline the circumstances where developers will be expected to enter into a planning obligation agreement with the Council, and where possible, will set out the formulae for calculating the obligation.

### **2.5 Accountability**

This document will also outline the measures that will be implemented to ensure effective monitoring of the expenditure of planning obligations. This will show clearly the trail from receipt of monies to provision of services/infrastructure in local communities. It will enable any stakeholder to be able to identify quickly and easily where the money has been spent.

## **2.6 ROLE OF THE CASE OFFICER**

A report from the Council's Section 106/278 Agreements Working Group was presented to the Corporate Improvement Committee on 5 September 2006, and listed a number of recommendations for the improvement of the Section

106 process in the District. This group recommended that the Case Officer should act as the main contact for negotiations and will decide what obligations will be sought.

- 2.7** In some circumstances, it may be appropriate for the Case Officers to consult various local level plans which have been prepared in consultation with local communities. These include Area Committee Action Plans, Neighbourhood Renewal Plans, Parish Plans and Urban Village Plans. These documents may indicate where planning obligations can be used to secure benefits for local communities. However, as stated in Paragraph 3.3, obligations must be linked to the development proposal, and these documents do not constitute a “shopping list” of requirements.

## **AREAS FOR INTERVENTION**

- 2.8** Section 7.0 outlines the main areas for which planning obligations may be used. The section details the key areas linked back to the relevant Replacement UDP policy which may apply dependent on the type, scale and location of the development. These are the main areas but planning obligations may be used to secure other contributions determined on a case by case basis.
- 2.9** It is unlikely that a planning obligation will be entered into for all development; this document sets out the key areas for contributions as established in the Replacement UDP. The type and number of contributions sought will depend on the type, scale and location of the proposal.
- 2.10** The Areas for Intervention are not listed in priority order.

### 3.0 PLANNING POLICY CONTEXT

- 3.1** The use of planning obligations in the planning process is outlined in Section 106 of the 1990 Town and Country Planning Act, Section 46 of the Planning and Compulsory Purchase Act 2004, further supplemented by ODPM Circular 05/05 Planning Obligations, and more recently, guidance from the Department for Communities and Local Government in August 2006 – *Planning Obligations: Practice Guidance*.
- 3.2** In keeping with sustainable development issues, Planning Policy Statement 1: Delivering Sustainable Development advises local authorities to be aware of the adverse effects of development and encourages them to use planning obligations to ameliorate the impact of development, thereby promoting sustainable development.
- 3.3** Planning obligations can only be used when they meet the five tests as set out by the Secretary of State in Circular 05/05. A planning obligation must be:
- i. Relevant to planning;*
  - ii. Necessary to make the proposed development acceptable in planning terms;*
  - iii. Directly related to the proposed development;*
  - iv. Fairly and reasonably related in scale and kind to the proposed development; and*
  - v. Reasonable in all other respects’.*
- 3.4** Policy UR6 of the Replacement Unitary Development Plan for the Bradford District sets out the Council’s approach to using planning obligations:

It states:

**‘THE COUNCIL WILL IMPOSE CONDITIONS OR SEEK PLANNING OBLIGATIONS WHERE DEVELOPMENT PROPOSALS REQUIRE OR WOULD NOT BE ACCEPTABLE WITHOUT THE PROVISION OF:**

- PHYSICAL INFRASTRUCTURE;**
- THE MITIGATION OF ADVERSE ENVIRONMENTAL IMPACTS AND/OR THE ENHANCEMENT OF THE ENVIRONMENT;**



- **AND SOCIAL INFRASTRUCTURE.'**

**3.5** The reasoned justification for Policy UR6 gives examples of the types of things for which planning obligations contributions could be used for. For example, highway improvements such as the provision of traffic calming, and social infrastructure contributions for sport and recreation provision.

**3.6** Policies in subsequent chapters of the Replacement Unitary Development Plan also outline when planning obligations will be used (details of which can be found in the Appendix). This document will expand on these policies, give an indication of the contributions that may be required from developers and, where appropriate and if possible, set out formulae for calculating the contributions.

**3.7 Community Strategy**

Advice from the Audit Commission<sup>1</sup> on how local authorities can maximise contributions from planning obligations, explains that any planning obligations document should have clear links to the Community Strategy and outline how contributions will be used to achieve the overall aims.

**3.8** The Community Strategy for the Bradford District 2006-2009 has five key aims:

- create a vibrant economy and prosperous District;
- improve the District for children and young people;
- build safer and stronger communities;
- make healthier communities and improve the quality of life of older people; and;
- create the foundations for long-term prosperity.

**3.9** Planning obligations can help to deliver these aims. For example, increasing the quality and/or quantity of recreation facilities and open space will have a beneficial impact on the health of the local community as well as improving facilities for children and young people. Making improvements to the public transport infrastructure and highways network will help to create the foundations for long-term prosperity. Investment in community safety will

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<sup>1</sup> Audit Commission (2006) Securing Community Benefits Through the Planning Process: Improving Performance on Section 106 Agreements

have a beneficial impact on local communities, improving community cohesion and the quality of life experienced by local people as well as reducing levels of crime.

### **3.10 Locality Planning**

Five Area Committee Action Plans have been produced for each of the Parliamentary constituencies in the District – Bradford North, South and West, Shipley and Keighley. These set out a clear list of priority themes that need to be addressed in order to improve the social, economic and environmental conditions within local communities over the next two years. They include issues such as tackling crime and community safety, raising educational attainment, tackling health issues, regeneration, and transport solutions.

**3.11** The Area Committees act as coordinating bodies and catalysts for action. The District's plans (not necessarily land use plans) must be informed by an analysis of aspirations and needs at the local level, and involve the development of solutions which reflect these. As stated in Paragraph 2.7, it may be appropriate for the Case Officer to refer to these documents as they may indicate where planning obligations could be used to secure community benefits. A greater number of more local level documents have also been prepared, such as Urban Village Plans, Parish Plans and Neighbourhood Renewal Plans.

**3.12** In March 2004, the Council's Executive approved the process for incorporating the local element within future aspects of the Community Strategy. Neighbourhoods should be supported to develop a Local Action Plan, which will inform the Area Committee Action Plans, which in turn will feed into updates of the District-wide Community Strategy.

### **3.13 Sustainability Appraisal**

Under the Planning and Compulsory Purchase Act 2004, all Supplementary Planning Documents must be subject to a Sustainability Appraisal to ensure that the implementation of guidance in the SPD will not have an adverse effect on the environment and will identify to what extent the social, economic and environmental principles of sustainable development are achieved.

- 3.14** The Sustainability Appraisal incorporates guidance from the European Commission (Directive 2001/42/EC) which requires formal Strategic Environmental Assessment (SEA) of certain plans and programmes which are likely to have significant effects on the environment.
- 3.15** A Sustainability Appraisal Report has been produced to support the SPD.

## **4.0 THE USE OF PLANNING OBLIGATIONS**

- 4.1** It is undesirable for development to place undue pressure on local services and facilities and it is impossible for the Council to fund all the necessary improvements which would rectify these problems. Developers should acknowledge the effects of the development and provide monies which will pay for improvements to be made to existing services, facilities and infrastructure to increase capacities, or pay for the provision of new facilities and services.
- 4.2** As mentioned in Section 2.0, the list of key areas for contributions outlined in Section 7.0 is not exhaustive. The type, scale and location of a development may mean that planning obligations may be used to secure other contributions, and it is at this stage that the Area Committee Action Plans and more local level plans, as previously mentioned, should be consulted.
- 4.3** Planning obligations can be used:
- To counteract need arising from development – such as pressures placed upon education provision or open space provision.
  - As a way to integrate development into the surrounding community and environment; to make the development more sustainable.
  - To restrict or encourage development of a certain use, or require land to be developed in a certain way, for example the provision of affordable housing.
- 4.4** It is in the best interest of all parties if the contributions are made on commencement of development or at agreed trigger points. In line with guidance in Paragraph B24 of Circular 05/05, if any contributions are made towards specific infrastructure and it has not been spent within an agreed timeframe, monies will be returned to the developer.

#### **4.5** Geographical Limit to Expenditure

One of the Secretary of State's tests for planning obligations states that any contribution must be related to the development. It is likely that developers will want any contributions to be spent in the vicinity of the development and not in another part of the District. The Council may limit the spending of contributions to within electoral ward boundaries, except where it is set out otherwise in Development Plan Documents. The Community Chest approach is unlikely to be a sound way of dealing with general expenditure.

- 4.6** Recent Government guidance<sup>2</sup> (DCLG, 2006) states that Area Action Plans '*should describe and justify the type and level of contributions that will be sought in the defined area*', therefore key projects that will require contributions from developers will be outlined in any Development Plan Document. The Council may also seek contributions for other approved physical infrastructure projects that will have a wider benefit, but which cover areas not within existing boundaries, for example, the restoration of the Bradford Canal or the Shipley Eastern Bypass. However, there still must be a direct relationship with the development.

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<sup>2</sup> DCLG (2006) Planning Obligations: Practice Guidance

## **5.0 PROCEDURE FOR NEGOTIATING PLANNING OBLIGATIONS**

**5.1** Section 46 of the 2004 Planning and Compulsory Purchase Act outlines the means by which a planning obligation will be acceptable:

- The payment of a sum which is in accordance with the criteria published by the local planning authority;
- The provision of a benefit in kind; or
- A combination of payment and provision of a benefit in kind.

### **5.2 Pre-application Stage**

The Council will expect the developer to have read the relevant chapters and policies of the Replacement UDP, relevant Local Development Framework documents, this document, and other relevant SPD/SPGs. Pre-application discussions are able to take place with the Planning Services who will give the developer details of what may be required in terms of planning obligations or whether planning conditions would be more appropriate. They may also be able to demonstrate how the planning obligation contributions have been calculated. If more time is needed to liaise with other departments to calculate the planning obligations, the Council will inform the developer as soon as is possible.

**5.3** In some cases developers may raise the issue that obligations cannot be met without compromising the viability of the development. In these circumstances the Council will require an independently verifiable full development appraisal on an 'open book' principle to provide evidence that obligations cannot be met. The onus falls to the developer to show that the development will not be viable if they enter into a planning obligation.

**5.4** The scope of the planning obligation should be agreed before the planning application is submitted, and all submissions should be accompanied with a draft Section 106 Agreement. In line with recommendations in the draft DCLG guidance '*The Validation of Planning Applications*'; the Planning Service will shortly be consulting on a list of Local Requirements which will include the requirement to submit a planning obligations statement, including draft Heads of Terms or draft Unilateral Agreements, in support of all applications which generate requirements for planning obligations.

**5.5 Application Appraisal Stage**

The negotiation of the obligation is without prejudice to the determination of the planning application.

- 5.6** Where a Section 106 agreement has not been signed by the developer and subsequently exceeds an agreed end date or failed to make significant progress, the Council reserves the right to refuse the application or a resolution will be sought from the Committee/Panel to this effect.

**5.7 Completion of the Legal Agreement**

On completion of the Agreement, subject to conclusion of all other matters, the relevant planning permission would be issued by the Council. The subsequent monitoring and implementation of the obligations, included in the Agreement, will then need to be the subject of a robust system, which is in part covered by Section 6 below.

**5.8 Role of Ward Members**

Ward Members receive weekly lists of planning applications for their ward. Members are able to draw to the attention of the Planning Case Officer, situations where they believe developer contributions are appropriate. In such instances, the Planning Case Officer will keep Ward Members informed of whether the obligation is appropriate. Members of Area Planning Panels and the Regulatory and Appeals Committee will need to have regard for the Members' Planning Code of Conduct.

## **6.0 MONITORING**

- 6.1** To deal effectively with the volume of planning obligations received, the Council will establish an electronic database to ensure that all details related to a particular planning obligation can easily be recalled. Circular 05/05 and the 2006 Practice Guidance also encourages local planning authorities to establish a database to increase transparency for all stakeholders.
- 6.2** The monitoring system will enable the Council to keep track of what money is available for allocation. For example, public realm contributions may have to be pooled before they can be spent on specific projects. The electronic database will be able to identify where individual contributions have been spent.
- 6.3** To increase the transparency of the planning obligations process, quarterly monitoring reports will be provided to the appropriate committee, six-monthly feedback reports will be provided to Parish Councils and Neighbourhood Forums, and an annual report will be presented to the Regulatory and Appeals Committee. These documents will also be available to view on the Council's website.



## 7.0 AREAS FOR INTERVENTION

As set out in the Replacement Unitary Development Plan, planning obligations can be used in a variety of ways to mitigate the impact of the development or increase capacities for services, facilities or infrastructure. The areas for intervention shown below are just some of the examples of how planning obligations can be used.

It should be noted that this is not an exhaustive list nor are they are listed in priority order.

## 7.1 AFFORDABLE HOUSING

### **RUDP Policy – H9 Affordable Housing**

**7.1.1** In Planning Policy Statement 3: Housing, the Government states that local planning authorities should aim to secure a good mix of housing in terms of both tenure and price to ensure that local people have good access to a wide choice of high quality homes. Furthermore, where affordable housing is requested through planning obligations, they must endeavour to provide this as part of the proposed development and not as an off-site contribution. PPS3 reduces the threshold for seeking the provision of affordable housing to fifteen units.

**7.1.2** The Council's affordable housing policy is outlined in Policy H9 of the RUDP. Provision of affordable housing will be sought for residential developments, depending on the need, suitability of the site and economics of provision. More detail of the level of contribution is contained in the supporting text, more specifically, Paragraph 6.27 which outlines the percentage of affordable housing required in different parts of the District.

**The Replacement UDP details the percentage of affordable housing which is required when an application is submitted for fifteen units or above. The percentage varies across the District:**

- **Wharfedale – 40%**
- **Airedale – 30%**

- **The Villages – 25%**
- **Bradford & Keighley Inner and Suburbs – 15%**

**7.1.3** In line with the RUDP, the percentage figures above are a starting point for negotiations which will be undertaken on a case by case basis, and will take into account current need and the economic viability of the proposed development.

**7.1.4** The City Centre Affordable Housing SPD is currently being finalised, and addresses the issues of affordability in this relatively recent housing market. A District-wide SPD is also to be prepared which will use the updated Local Housing Assessment, and will update the approach taken by the Council.

**7.1.5** Bradford Council adopted Supplementary Planning Guidance on Affordable Housing in June 1999. However following the adoption of the Replacement UDP, and national policy, this document now stands abandoned.

## **7.2 EDUCATION**

### **RUDP Policy – CF2 Education Contributions**

**7.2.1** Policy CF2 of the Replacement UDP sets out the Council's approach to using planning obligations for education provision. Planning officers will liaise with the Education Client Team of the Council once a planning application has been submitted for a residential scheme. The Education Client Team will then calculate the number of school places required, but the level of contribution will depend on a number of factors, such as current resources, and the type, size and location of the development.

**7.2.2** Planning obligations for education provision are only likely to be required where the development will give rise to the demand for school places, i.e. where the number of children living in an area increases and local education provision cannot meet this increased demand.

- 7.2.3** Planning obligations secured for education provision will include contributions for primary and secondary school places, and the provision of classrooms, playing fields and playgrounds.

**If an application is submitted for residential development, the Council may seek contributions towards education facilities if additional demand cannot be met by existing capacities. The level of contribution will depend on the location, the type, size and cost of the proposed development, and also the current resources of provision in the area.**

### **7.3 HIGHWAYS, PHYSICAL INFRASTRUCTURE & TRAVEL**

- 7.3.1** Although the Government advocates sustainable travel, improvements may be needed to be made to the highways network as a result of increased use due to a new development. In addition, it is imperative to minimise any impact of new development on the environment through the encouragement of use of public transport.
- 7.3.2** PPG13: Transport encourages local authorities to use planning obligations to deliver sustainable transport solutions, such as improvements to walking and cycling facilities. Its objectives are to promote sustainable transport for moving people and freight; easy access to jobs and facilities through public transport, walking and cycling; and reduce the need to travel, especially by private car.

#### **Highways & Physical Infrastructure**

#### **RUDP Policy – TM1 Transport Assessment, TM2 Impact of Traffic & Its Mitigation, TM19A Traffic Management & Road Safety**

- 7.3.3** Bradford Council will ask for contributions towards the cost of providing or improving infrastructure, including associated TROs, because of increased usage due to their development. Paragraph B9 of Circular 05/05 clearly states that local authorities have a right to ask for contributions if improvements would not have been necessary had it not been for their

development. The developer may be expected to make commuted sum payments to cover the future maintenance costs of new installations such as traffic signals, illuminated bollards, street lighting, retaining walls and other structures, drainage outfalls, and hard and soft landscaping.

**7.3.4** Planning obligations may also be sought for other large infrastructure projects such as the Shipley Eastern Bypass, Canal Road improvements, and the restoration of the Bradford Canal. It is likely that contributions for such major projects will be pooled, details of which will be set out in other Local Development Documents, such as the Core Strategy, DPDs or other SPDs.

**i. Contributions may be sought for improvements to transport and the highways network where a Transport Assessment reveals that improvements are necessary due to the development, in line with DCLG/DfT Guidance on Transport Assessments (draft) published in Summer 2006.**

**ii. Contributions may also be sought from developments for major highways or infrastructure projects whose benefits can be shown over a wider geographical area where the area can be shown as relative to the development.**

### **Travel**

**RUDP Policies – TM1 Transport Assessment, TM2 Impact of Traffic & Its Mitigation, TM6 Bus Priority, TM8 New Pedestrian & Cycle Links, TM10 National & Local Cycle Network**

**7.3.5** The Council's Sustainable Design Guide SPD encourages developers to consider how their development will reduce the use of the private car, by ensuring developments are easily accessible and encourage the use of public transport.

- 7.3.6** The District Transport Strategy sets out the issues that need to be addressed in order to support and develop the District's economy, create sustainable communities and provide a safe and healthy environment for all communities.
- 7.3.7** Measures to encourage residents to use sustainable methods of transport could include the provision of MetroCards for residential developments; and travel plans for major developments. Other measures could include improvements to bus shelters, the provision of Real Time displays, improvements to services, or additions to the bus fleet or rolling stock. It must be noted that contributions will only be sought when a direct relationship exists with the development, and provision of such infrastructure is over and above what cannot be provided by the transport operator.
- 7.3.8** In terms of MetroCards, where developers are asked to provide MetroCards for residential schemes (one per unit), in support of the West Yorkshire Passenger Transport Executive's current approach, the developer will pay for the Card for the first year; for the second and third years the occupants of the units will have the opportunity to purchase Cards at a discounted rate, at no extra cost to the developer.
- i. The Council may seek the provision of MetroCards for all units in major residential schemes and Travel Plans for all major residential and commercial developments.**
  - ii. In residential developments, where car parking is very low or non-existent, developers will be expected to provide within a Travel Plan, measures to mitigate against the adverse impact on the highway network, such as the provision of MetroCards, establishment of Car Clubs and improvements to public transport infrastructure.**
  - iii. The Council may also seek the provision of additional public transport services as a result of new employment, residential or retail developments.**

- iv. **The Council may seek contributions towards the improvement of pedestrian and/or cycle routes/facilities, if in close proximity to the development in order to promote sustainable travel.**
- v. **If there are no bus shelters within 400m of the development, the Council may seek their provision where the site is already well served by buses.**
- vi. **The Council may seek the pump-priming of bus services to reach standards set out by the WYPTE if these standards are not currently achieved. If standards are being achieved on the route, contributions may be sought for the provision of Real Time displays at shelters.**
- vii. **The Council may also seek contributions to support other measures that would be in support of the Local Transport Plan and/or District Transport Plan.**

## **7.4 NATURAL ENVIRONMENT**

### **RUDP Policy – NE8 SSSIs, NE9 SEGIs, RIGSs, BWA, NE10 Biodiversity**

- 7.4.1** It is important that any planning, construction or regeneration projects should have minimal impacts on biodiversity and enhance it where possible. In Planning Policy Statement 9: Biodiversity and Geological Conservation, the Government sets out its objectives for the preservation of the natural environment.
- 7.4.2** In the Natural Environment and Countryside chapter of the Replacement UDP, it is stressed that although development is undoubtedly going to have an impact on the environment, importance should be placed on maintaining

the level of biodiversity, and protecting natural assets from further fragmentation. PPS9 also gives examples of when planning obligations can be used to protect natural habitats from development.

**Where a development may affect SSSIs (Site of Special Scientific Interest) or SEGIs (Site of Ecological/Geological Importance), RIGS (Regionally Important Geological Sites), or BWAs (Bradford Wildlife Sites), and the benefits of development outweigh the loss to the natural environment, the Council may seek contributions towards the amelioration of such effects, and the management of the site.**

## **7.5 OPEN SPACE, SPORT & RECREATION**

**7.5.1** Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation promotes the use of planning obligations to secure improvements or additions to the provision of local open space, and sports and recreation facilities. PPG17 allows local authorities to seek contributions from a wider development base, other than from just residential. However, Policy OS5 limits the Council to seek contributions from residential development only for open space provision. Policy CF7A, which relates to the provision of built recreational facilities can however be applied to a range of development types, dependent on the impact of the development.

### **Open Space and Recreation**

#### **RUDP Policy – OS5 Provision of Recreation Open Space & Playing Fields for New Development**

**7.5.2** The Council will seek improvements to the quantity or quality of open space if it is deemed inadequate, or where new development will lead to increased demand.

**7.5.3** The Replacement UDP for the District includes detail on the minimum provision of open space in settlements. Any development will need to ensure that these minimum requirements are not compromised.

**7.5.4** Bradford Council's Supplementary Planning Guidance for the Provision of Children's Play Space Within New Residential Developments was approved in December 1994. It outlines what the Council expects in terms of providing on-site open space contributions.

**7.5.5** An Open Space and Built Recreation Facilities SPD is being prepared by the Council. This seeks to provide usable, accessible and sustainable open spaces, sport and recreational facilities; increase leisure opportunities; and obtain a balance between the provision of new facilities and enhancement of existing facilities. The results of the recent Open Space, Sport and Recreation study into the quality and quantity of open space and playing pitches in the District will also feed into the SPD. Once adopted, this SPD will provide more guidance on the use of planning obligations to secure contributions for these uses.

**i. Developers who submit planning applications for housing schemes may be expected to contribute to the provision or upgrading of open space, in accordance with the scale of contributions prepared by the Parks and Landscape Service.**

**ii. Where open space is provided on-site by the developer, contributions may be sought for the maintenance of the area for twenty years.**

### **Sport & Recreation**

#### **RUDP Policy – CF7A Built Facilities for Community Sport & Recreation**

**7.5.6** In line with Policy CF7A, the Council will also seek contributions to the provision of indoor sports and recreation facilities.

**7.5.7** The Council has recently commissioned an assessment of built recreational facilities which will support the preparation of the Open Space and Built



Recreational Facilities SPD. It will consider the demand for such facilities and their provision across the District. PPG17 encourages local authorities to use planning obligations as a means of extending or upgrading the provision of open space, sport and recreational facilities. The SPD will provide a more detailed approach and guidance as to how contributions will be sought for such facilities.

**The Council may seek contributions towards the provision of indoor recreation facilities if there is an increase in demand for such facilities arising from a major development.**

## **7.6 PUBLIC ART**

### **RUDP Policy – D8 Public Art**

- 7.6.1** Policy D8 of the Replacement UDP sets out the vision for the use of public art in the District. The Public Art Strategy for the Bradford District (prepared by Public Arts in November 1998) explains the strategy for the provision of public art in the District. The Percent for Art policy aims to encourage developers to contribute a percentage of development costs for the provision of public art, which will be secured through a planning obligation.

**Developers may be asked to contribute up to 1% of development costs for the provision of public art, if the development exceeds the thresholds of 100 residential units or 10,000m<sup>2</sup> of non-residential development.**

## **7.7 PUBLIC REALM**

### **RUDP Policy – D9 Urban Design in City & Town Centres**

- 7.7.1** Improvements to the public realm can have a positive effect on the area surrounding new developments. The installation of street furniture, the use of high quality paving and the use of public art, together with good landscaping

can help the development to fit in with the local environment and improve the urban environment for people that use the area. Developers will be expected to contribute towards enhancements or additions to the public realm, either in the immediate vicinity, or if this is not possible, in the city and town centres. Improvements or additions to the public realm could include works such as tree planting or landscaping, the creation of public squares or enhancing access to public places.

**7.7.2** The Bradford City Centre Design Guide, adopted in March 2006 stresses the importance of using good public art and street furniture to make a fundamental contribution to an interactive public realm.

- i. Contributions from development within the area of the Bradford Urban Regeneration Company will be pooled and expended against a strategy to be agreed with Bradford Centre Regeneration and other relevant partners.**
- ii. In the town centres of Keighley, Shipley, Bingley and Ilkley, public realm contributions will be expended within the boundaries defined by Policy CL1 of the RUDP.**
- iii. The Council may also seek contributions for public realm projects for other regeneration areas as may be defined.**

## 8.0 CONTACT DETAILS

Should you require any further information regarding this document, please contact the **Local Development Framework Group** on 01274 432253, or write to

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## 9.0 APPENDIX

The table below outlines the Replacement UDP Policies which outline situations where planning obligations may be used to seek contributions towards the provision of facilities, services or infrastructure projects which may be necessary as a result of a proposed development.

Replacement UDP Chapter	Replacement UDP Policy	Description of Policy
Housing	H9	On planning applications for substantial residential development the Council will negotiate for a proportion of affordable housing based on the extent and type of need, the suitability of the site or building in the case of conversions, and the economics of provision.
Transport & Movement	TM1	When considering planning applications for developments likely to be significant generators of travel the Council will require these to be supported by a detailed transport assessment (TA). The TA should incorporate proposed traffic reduction measures by the developer and measures to promote sustainable travel including use of public transport, walking and cycling as necessary arising from the travel generation requirements of the development.
Transport & Movement	TM2	Planning permission for new development or change of use will not be granted unless: <ul style="list-style-type: none"> <li>(1) the Council is satisfied that the proposal does not adversely affect existing and proposed transport infrastructure or services, including public transport and walking or cycling facilities, in the vicinity of the site, or the local environment; or</li> <li>(2) Improvements considered necessary by the Council to overcome any adverse impact of the proposal will be secured by agreement or undertaken as part of the development.</li> </ul>
Transport & Movement	TM6	The Council will encourage greater use of the public transport services by improving the Bus Priority Network, as shown on the Proposals Map, in partnership with Metro, the bus operators and other strategic bodies. In determining planning applications, the Council will consider the potential impact of new developments and changes of use on the Bus Priority Network, bus services and their users, and will seek provision of suitable infrastructure

		improvements and other facilities, including highway works and bus shelters, where appropriate.
Transport & Movement	TM8	The Council will require the provision, where appropriate, of new pedestrian and cycle links through the development sites and open spaces, especially where these will provide links to existing routes.
Transport & Movement	TM10	The national and local cycle network and associated links as shown on the Proposals Map will be implemented. Developments should facilitate or incorporate the network and associated links. Major developments will be expected to contribute towards the construction and improvement of the national and local cycle network and links to it, where such facilities would service the development by sustainable modes.
Transport & Movement	TM19A	In determining planning applications the Council will consider the potential impact on traffic management and road safety and will seek any consequential improvements.
Design	D8	The provision of public art will be encouraged at the outset of major development schemes as a contribution to the Council's Percent for Art policy.
Community Facilities	CF2	Where new housing proposals would result in an increased demand for educational facilities which cannot be met by existing schools and colleges, the Council will seek to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990, in order to secure the provision of, or contribution towards, new or extended facilities.
Community Facilities	CF7A	Where major development proposals would result in an increased demand for built recreational facilities which cannot be met by existing facilities a developer may be required to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990, in order to secure the provision of, or contribution towards, new or extended facilities.
Open Land in Settlements	OS5	New residential development will be required to make appropriate provision of or equivalent commuted payment for: (1) recreation open space, including children's play space and informal open space, to a minimum standard of 20 square metres per dwelling (including a suitably designed and equipped play area in developments of 0.8ha or 50 or more family dwellings); and

		(2) playing fields, to a minimum standard of 40 square metres per dwelling. Provision will be located within the site, however where this is inappropriate, off site provision or improvements to existing local provision can be suitable alternatives. Developers will be required to make arrangements for adequate maintenance of any new provision.
Natural Environment and the Countryside	NE8	Developments in or likely to affect sites of special scientific interest will be subject to special scrutiny. Where such development may have an adverse effect, either directly or indirectly, on the special interest of the site it will not be permitted unless the reasons for the development clearly outweigh the nature conservation value of the site itself and the national policy to safeguard the national network of such sites. Where development is permitted the Council will consider the use of conditions and/or planning obligations to ensure the protection and enhancement of the site's nature conservation interests.
Natural Environment and the Countryside	NE9	Development likely to have an adverse effect on a site of ecological/geological importance (SEGIs & RIGS), or a site of local nature conservation value (Bradford Wildlife Areas – BWAs), as shown on the Proposals Map (or subsequent SEGI/RIGS or BWA reviews), will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the substantive nature conservation value of the site. Where development is permitted which would damage the nature conservation value of the site, such damage will be kept to a minimum. Where appropriate the Council will consider the use of conditions and /or planning obligations to provide adequate mitigation and/or compensation measures.
Natural Environment and the Countryside	NE10	Development proposals should ensure that important: landscape, ecological, geological features, or wildlife habitats accommodating protected species are protected. The Council will ensure that the requirements of this policy are satisfied through the use of conditions and/or planning obligations. Planning permission will not be granted for development which would have an adverse impact on badgers or species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981, as amended or European Birds and Habitat Directives.

Produced by the  
City of Bradford Metropolitan  
District Council

Local Development  
Framework Group

October 2007

**City of Bradford MDC**

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