

Local Development Framework for Bradford

Planning Obligations

Supplementary Planning Document

Supporting Documents

Statement of Consultation

Statement of Sustainability Appraisal

October 2007



City of Bradford MDC

www.bradford.gov.uk

This document is one of a number that make up the Local Development Framework for the Bradford District. If you need the contents of this document to be interpreted or translated into one of the community languages or you require it in Braille, Large Print or on tape, please contact the Local Development Framework Group on (01274) 434050, (01274) 434544 or (01274) 434606.

આ દસ્તાવેજ ઘણાંમાં નો એક છે કે જે બ્રેડફોર્ડ ડિસ્ટ્રિક્ટ નાં સ્થાનિક વિકાસ ની રૂપરેખા બનાવે છે. જો તમને આ દસ્તાવેજનાં લખાણનું પ્રાદેશિક ભાષાઓમાં ભાષંતર કરાવવાની અથવા તેનો અર્થ સમજવાની જરૂર જણાય, અથવા તમને તેની જરૂર બ્રેઈલ, લાર્જ પ્રિન્ટ કે પછી ટેપ ઉપર હોય, તો મહેરબાની કરી લોકલ ડિવેલપમેન્ટ ફ્રેમવર્ક ગ્રુપનો (01274) 434050, (01274) 434544 અથવા (01274) 434606 પર સંપર્ક કરો.

यह दस्तावेज़ उन बहुत से दस्तावेज़ों में से एक है जिनसे मिलकर ब्रैडफोर्ड डिस्ट्रिक्ट का लोकल डिवेलपमेंट फ्रेमवर्क बनता है। यदि आप इस दस्तावेज़ की जानकारी का हिन्दी अनुवाद या इसे ब्रेल, बड़े अक्षरों या टेप पर प्राप्त करना चाहते हैं , तो कृपया लोकल डिवेलपमेंट फ्रेमवर्क ग्रुप से (01274) 434050, (01274) 434544 या (01274) 434606 पर सम्पर्क करें।

બ્રાડફોર્ડ ડિસ્ટ્રિક્ટ (Bradford District) એર લોકાલ ડેવેલોપમેન્ટ ફ્રેમવર્ક (Local Development Framework – સ્થાનિય ઉલ્લયન કાર્થામો) એર અનેકગુલો કાગજપત્ર વાં દલિલપત્રેર એકટિ હલો એઈ તથ્યપત્રટિ । એઈ તથ્યપત્રેર વિષયવસ્તુ કમિઉનિટિર લોકદેર કોનો ભાષાય વુઘાતે ઇઈલે અથવા લિખિત અનુવાદ ઇઈલે નહુવા તા બ્રેઈલે (અક્ષલિપિતે), મોટા હરફે કિંવા ક્યાસેટે રેકર્ડ કરે ઇઈલે, અનુગ્રહ કરે લોકાલ ડેવેલોપમેન્ટ ફ્રેમવર્ક ગ્રુપ (Local Development Framework Group)-કે (01274) 434050, (01274) 434544 વાં (01274) 434606 નાંધારે ફોન કરળ ।

یہ دستاویز بریڈفورڈ ڈسٹرکٹ کے مقامی ترقیاتی لائحہ عمل سے متعلقہ دستاویزات میں سے ایک ہے۔ اگر آپ کو اس دستاویز کا زبانی یا تحریری ترجمہ کسی بھی کیونٹی زبان میں درکار ہو یا آپ اسے بریل، لارج پرنٹ یا ٹیپ میں چاہتے ہیں تو براہ مہربانی لوکل ڈیولپمنٹ فریم ورک گروپ سے ٹیلی فون نمبر: 01274 434050، 01274 434544 یا 01274 434606 پر رابطہ کریں۔

1.0 Statement of Consultation

1. The Planning Obligations SPD sets out the Council's approach to the implementation of Policy UR6 of the Replacement UDP.
2. This Statement of Consultation has been prepared in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004, and the summary of representations and the Council's response can be found in Appendix 2.
3. The draft SPD has been the subject of consultation, as resolved by Executive Committee on 16 January 2007. This consultation period ran from 2 April to 14 May 2007.
4. In line with the Regulations, and the Statement of Community Involvement (as submitted), the draft SPD and accompanying documents:
 - were made available at the Area Planning Offices in Bradford Shipley and Ilkley, and at the Keighley Information Centre;
 - were made available at Central Bradford, Shipley, Bingley and Ilkley libraries;
 - were available to download on the Council's website;
 - were posted to fifty-five statutory consultees and a further 264 individuals/bodies were notified of the consultation period.

The consultation period was advertised in Bradford's local newspaper – Telegraph and Argus on 2 April 2007 (see attached Legal Notice); and a consultation event was held at Victoria Hall in Saltaire to give local developers a chance to give comments on the document.

5. The statutory consultees are listed below:

Addingham Parish Council	Drighlington Parish Council
Borough of Pendle Council	English Heritage
Bradleys Both Parish Council	Environment Agency
British Telecom	Farnhill Parish Council
Burley in Wharfedale Parish Council	Gildersome Parish Council
Calderdale Metropolitan Borough Council	Glusburn Parish Council
City of Wakefield M D C	Government Office for Yorkshire & Humber
Clayton Parish Council	Harrogate District Council
Cononley Parish Council	Haworth, Cross Roads & Stanbury Parish Council
Cowling Parish Council	Highways Agency
Craven District Council	Ilkley Parish Council
Cullingworth Parish Council	Keighley Town Council
Denholme Town Council	Kirklees Metropolitan Council
Denton Parish Council	Lancashire County Council
Draughton Parish Council	Laneshaw Bridge Parish Council

Leeds City Council	Transco (North of England)
Menston Parish Council	Trawden Forest Parish Council
Middleton Parish Council	Wadsworth Parish Council
Natural England	Weston Parish Council
Nesfield with Langbar Parish Council	Wilsden Parish Council
Network Rail	Wrose Parish Council
North Yorkshire County Council	Yorkshire and Humber Assembly
Otley Town Council	Yorkshire Electricity
Oxenhope Parish Council	Yorkshire Forward
Sandy Lane Parish Council	Yorkshire Water Services Ltd
Silsden Town Council	
Steeton with Eastburn Parish Council	
Sutton-in-Craven Parish Council	
Telewest Communications	

6. A full list of all the other consultees can be found in Appendix 3.
7. A total of nineteen representations were submitted to the Council; these are set out in Appendix 2 along with the Council's response and proposed changes, if appropriate. A number of other changes have also been made for clarity and also as a consequence of other changes.
8. There was a mixed response from the representations made, reflecting the diversity of interests of those responding. The majority of respondents were in support of the document and its aims, but it was criticised for not being exhaustive enough and not offering enough certainty. There were also concerns that the document represented a tick list for planning obligations. The document has been amended to reflect the comments made, offer greater clarity, and explain the reasons as to why it cannot be fully exhaustive. Appendix 2 shows in which sections of the amended document the changes can be found.

CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL

**PLANNING AND COMPULSORY PURCHASE ACT 2004
THE TOWN AND COUNTRY PLANNING (LOCAL DEVELOPMENT) (ENGLAND)
REGULATIONS 2004**

**NOTICE OF DEPOSIT OF DRAFT SUPPLEMENTARY PLANNING DOCUMENT FOR
PUBLIC COMMENT**

PLANNING OBLIGATIONS

LOCAL DEVELOPMENT FRAMEWORK FOR THE BRADFORD DISTRICT

The City of Bradford Metropolitan District Council has published a draft Supplementary Planning Document called *Planning Obligations* for public comment. The Supplementary Planning Document provides guidance on how planning obligations will be sought by the Council and how these will be delivered to local communities. The document applies District wide.

Copies of the Draft Supplementary Planning Document are available for inspection at the Council's Planning Offices at:

- Jacobs Well, Manchester Road, Bradford BD1 5RW (Mon-Thurs 9am to 5pm, Fri 9am to 4.30pm)
- Keighley Information Centre, Town Hall, Bow Street, Keighley BD21 3PA (Mon-Thurs 8.30am to 5pm, Fri 8.30am to 4.30pm)
- Shipley Town Hall, Kirkgate, Shipley BD18 3EJ (Mon-Thurs 9am to 5pm, Fri 9am to 4.30pm)
- Ilkley Town Hall, Station Road, Ilkley (Mon-Thurs 9am to 5.00pm, Fri 9am to 4.30pm)

And at the following libraries:

- Bradford Central Library, Princes Way, Bradford BD1 1NN (Mon-Fri 9am to 7.30pm, Sat 9am to 5pm)
- Shipley Library, 2 Wellcroft, Shipley BD18 3QH (Mon-Fri 9am to 7pm, Sat 9am to 5pm)
- Bingley Library, Myrtle Walk, Bingley BD16 1AW (Mon-Fri 9am to 7pm, Sat 9am to 5pm)
- Ilkley Library, Station Road, Ilkley LS29 8HA (Mon-Fri 9am to 7pm, Sat 9am to 5pm)

And on the Council's web site at www.bradford.gov.uk/planning

Also available for inspection are the Council's Sustainability Appraisal Report, Consultation Statement and the Statement of Matters.

Any person may make representations about the Supplementary Planning Document. Representations must be made in writing and submitted by either email to ldf.consultation@bradford.gov.uk or by letter to Local Development Framework Group, Plans and Performance Service, 8th Floor, Jacobs Well, BRADFORD, BD1 5RW. The closing date for comments is 14 May 2007. Comments should be headed 'Planning Obligations Supplementary Planning Document'. Any representations may be accompanied by a request to be notified at a specified address of the adoption of the Supplementary Planning Document.

Dated this 2nd day of April 2007

Head of Legal Services, Department of Leg and Democratic Services, City of Bradford Metropolitan District Council, City Hall, Bradford BD1 1HY

APPENDIX 2 – SUMMARY OF REPRESENTATIONS TO DRAFT PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
1.0 Bradford Community Housing Trust	1.1	BCHT disagrees strongly with the vehicle for delivering affordable homes i.e. homes should be offered for sale at a 35% of the open market rate managed by a RSL. It is a very crude method of delivering affordable homes and will not meet the long-term objectives of supplying affordable homes for people to access market housing, and even in areas in Ilkley the discount will mean a RSL will still be expected to pay upwards of £200,000 for a home. The preferred route in the consultation paper would not be affordable for organisations such as BCHT in the future.	<i>The discounts for sale were based on a Supplementary Planning Document adopted in 1999 which stated fixed discounts. These are now all but replaced by a negotiation of the discount done by the Housing Service.</i>	Removal of text referring to discounting as this is now carried out through the negotiations. Section 7.1
	1.2	The delivery mechanism pays no account of the cost to the developer of delivering the affordable dwellings. If a development takes place months after land acquisition, and land prices rise in the meantime, a discounted sale to an RSL is of little consequence to the developer, it provides a guaranteed sale to the developer and further stimulates sales on their development.	<i>If land prices have risen between grant of permission and development, the Council is unable to revisit the obligation.</i>	No change.
	1.3	We would prefer if the Council involves RSLs in the delivery mechanism for affordable homes at the beginning of negotiations so that the most appropriate contributions can be achieved. This could involve a range of delivery mechanisms such as homes for rent, shared ownership, providing serviced land for future RSL development, or a commuted sum for off-site provision, or a discounted sale direct to nominated purchasers.	<i>The Housing Service liaises with the Case Officer, and then the RSL on issues of delivery and this is considered the most appropriate means of the Council engaging with the RSL.</i>	No change.

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
2.0 Barratt Homes	2.1	There is considerable doubt that this document conforms to the content on PPS12 as it contains policies which should be included in a development plan document.	<i>The SPD seeks to provide clarity but does change the policies.</i>	Various changes throughout the document to ensure it does not change policy. Section 7.0 – deletion of Community Safety & Built Heritage sections due to lack of higher level policies.
	2.2	Policy UR6 is a very general policy and does not reasonably detail the items to which such a policy could be applied. The Council are now seeking to go beyond the scope of the policy; therefore it goes beyond providing detail or expanding policy into making policy contrary to paragraph 2.44 of PPS12.	<i>The SPD provides further guidance to the supporting text of Policy UR6 of the RUDP. It does not create new policies rather it sets out how Policy UR6 can be implemented. Policy UR6 states that obligations will be sought when a development would otherwise be unacceptable; the SPD does not change this</i>	No change
	2.3	In addition, Policy UR6 is a saved policy to be saved until 2008; if adopted it would cease to have any status as the policy to which it relates would have no status. It seems to be a poor use of resources to produce a document that has a life of about 12 months.	<i>Noted. The current RUDP policies are saved until October 2008. It is anticipated that subject to Secretary of State approval, policies will be saved beyond this date until other LDDs are in place. The Council considers it an effective use of resources to prepare this SPD.</i>	No change.
	2.4	Much of this document proposes obligations which are not necessary for development to go ahead, seeks to resolve existing deficiencies and lacks clarity by delaying decision for further information or providing only generalised statements. This document is contrary to Circular 05/05.	<i>Accepted that some of the proposed obligations may be able to be covered by planning conditions.</i>	Amend appropriately. Section 7.0 – removal of Community Safety & Built Heritage sections.

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	2.5	The document claims to provide “certainty for developers and what is expected of them” then says “an alternative approach may be taken if it felt more appropriate”. It is difficult to reconcile those two statements.	<i>Noted.</i>	Amend text in Section 2.0 of the SPD. Paragraph 2.8
	2.6	The Council need to commit a timeframe for liaison with other departments. It is unreasonable for pre-application consultations to be open-ended. If developers cannot obtain answers in a set timescale there will be the propensity to submit an application as it stands and the benefit of pre-application discussions will be lost.	<i>Current practice is to respond to pre-application enquiries within seven days.</i>	No change
	2.7	The threat of refusal in the event that a Section 106 Agreement is not signed an unreasonable proposal; it amounts to a threat to the developer and can be an avoidance of proper negotiations. Circular 05/05 makes it clear that planning obligations are the subject of negotiations and are not imposed on the developer.	<i>In the event that an applicant fails to complete a Section 106 within an agreed timetable, this will be taken as a refusal to meet obligations that are necessary for the development to proceed.</i>	No change.
	2.8	The requirement to demonstrate viability is not opposed but the mechanism for seeking overage appears unduly complicated. If overage were to be written into a S106 agreement, so should any increases in costs. It is usual for monetary obligations to be index linked – this is a simpler and fairer way of proceeding.	<i>The details of the overage mechanism will require further clarification by the Council if to be used as part of Section 106 Agreements.</i>	Delete reference to overage. Paragraph 7.1

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	2.9	Areas for Intervention – if this is not an exhaustive list then the purpose of the document must be called into question. If the document is incomplete then it serves no purpose in its fundamental purposes. The document is either complete or it should be withdrawn.	<p><i>The document is linked to existing RUDP policies which are already adopted.</i></p> <p><i>The areas of intervention are not envisaged as a 'wish list'. The areas that the Council would see as the main areas for contributions but this does rule out other areas of intervention.</i></p> <p><i>It would not be appropriate or reasonable to produce an exhaustive list of possible obligations. Applications should be considered on a case-by-case basis and an exhaustive list would render the SPD inflexible if issues at the local level take priority of what is set out in this document.</i></p>	<p>Re-emphasise that the contributions listed in Part Two are not exhaustive giving a full explanation for this.</p> <p>Paragraph 2.8</p>
	2.10	Affordable Housing – it lacks detail and does not take forward the understanding of the affordable housing policy any further forward.	<p><i>The affordable housing detail repeats the policy of the RUDP. It goes against PPS12 to create a new policy within a SPD. The most recent LDS identifies that a District-wide affordable housing policy will be prepared in the next year. The SPD is not meant to take forward policy, moreover it gives more information on the implementation of the RUDP policies. A District-wide affordable housing SPD is to be produced which will take forward the Local Housing Assessment and guidance in PPS3, in support of Policy H9.</i></p>	<p>No change to the detail. Additional text outlining preparation of District-wide SPD by end of 2007.</p> <p>Paragraph 7.1.4</p>

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	2.11	Community Safety – the necessity of a planning obligation does not arise with regards for the need to design out crime as developers such take into account PPS1.	<i>Accepted.</i>	Remove CS section as these can be covered by planning conditions. Section 7.0
	2.12	The proposition that developers should contribute to street lighting is wholly unnecessary – this is covered by Section 38 or 278 Agreement of the Highways Act 1980, and is not necessary to make the proposal acceptable. The proposal should be withdrawn and if not consideration will be given to issuing a legal challenge.	<i>Noted.</i>	Remove CS section. Section 7.0
	2.13	The requirement to contribute to CCTV is equally unnecessary and unreasonable. The provision of CCTV is a judgement made by the developer on the perceived need and is a wholly private matter in terms of funding, provision and maintenance. It fails the fundamental test of being fairly and reasonably related to the development, should be withdrawn and failure to do so may result in a legal challenge.	<i>Accepted.</i>	Remove this section – community safety measures can be dealt with through planning conditions. Section 7.0
	2.14	Education – it lacks detail and as such fails to expand policy or provide further details. Discussions on fundamental issues such as the costs of additional education places will need to be provided. This proposal fails to meet the objectives of the document.	<i>It is difficult to set out in advance the level of contribution required and liaison with Education is inevitable. Contributions have to be determined on a case-by-case basis linked to needs at the time of application, in line with Policy CF2.</i>	Amend text to make clear that contributions are dependent on a number of factors determined at the time of application. Paragraph 7.2.1

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	2.15	Highways & Other Physical Infrastructure – the necessity to pay for maintenance contributions is contrary to Circular 05/05 and is something which should be contained with a Section 38/278 Agreement.	<i>Any obligation will be sought where it is attributable the affect of the development</i>	No change.
	2.16	Contributions should not be sought for major highway or infrastructure projects that benefit a wider area unless there is a direct relationship to the development.	<i>Agreed.</i>	Re-emphasise in the text. Paragraph 4.6
	2.17	Circular 05/05 provides for the pooling of contributions but this needs to be set out in advance and not be a general statement allowing any contribution to be sought.	<i>Noted. It is not possible to cover all cases in this document. Other Local Development Documents (the Core Strategy, DPDs or SPDs) will provide more detail.</i>	Make this clear in the document. Paragraph 7.3.4
	2.18	Open Space and Recreation – it is not clear whether this policy is in addition to Policy OS5 of the RUDP. If it is then it amounts to making new policy and so is appropriate to be contained in Supplementary Planning Guidance. The circumstances whereby the proposed policy would be applied and its relationship to Policy OS5 needs clarification.	<i>This is not an additional policy to OS5 of the RUDP but aims to set out in a more transparent manner the level of contributions which may be sought and give additional guidance regarding the Policy's implementation. A sliding scale for contributions has been composed which specifies the level of contributions depending on the size of the development and the number of 1-bed or 2+ bed units.</i>	Change text in box on Page 16 to take into account sliding scale of contributions. Section 7.5

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	2.19	The requirement to provide 20 years maintenance appears excessive and beyond “pump priming” as set out in Circular 05/05. Public open space is intended for wider public use and ‘the cost of subsequent maintenance...should be borne by...the authority in which asset is vested’. No maintenance contribution should apply and so this part of the proposal should be deleted.	<i>The capital cost of maintenance is one that should be borne by the developer for an agreed period and then if required, by the Council. Maintenance costs relates to on-site provision only and are in-line with B18 of Circular 05/05 where it states that ‘where facilities...are predominantly for the benefit of the associated development, it may be appropriate for the developer to make provision for subsequent maintenance’.</i>	No change.
	2.20	A contribution to an indoor facility is not an equivalent to an outdoor facility and cannot reasonably be regarded as equitable. This part of the proposal should be deleted or justified by a calculation of equivalent value.	<i>An indoor facility is in addition to the open space contribution, in line with Policy CF7a.</i>	Amend text to make clear that the open space contribution is separate from contributions for built facilities. Section 7.5
	2.21	Public Art – there is no relationship between the provision of public art and a development. Public art provision is not necessary for the development to go ahead, and should be deleted and failure to do so could result in a legal challenge.	<i>Developers are encouraged to contribute to the provision of public art; contributions for which will be secured through a planning obligation in line with Policy D8 of the RUDP.</i>	No change.
	2.22	Public Realm – public realm provision cannot be made off-site and be reasonably related in scale and kind to the development. The proposal should be deleted.	<i>Pooled contributions will be expended in the city and town centres. Developments will benefit from being located within a high quality public realm, possibly resulting in higher rental levels benefiting the developer in the longer term.</i>	No change.

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	2.23	Restoration of the Built Heritage – this is a meaningless proposal. Any proposal which affects a listed building or is in a Conservation Area will be judged according to established planning policies. Any other development has no relationship to the Built Heritage and if the proposal is to create a “community chest” for preservation of the Built Heritage there is no policy in the RUDP on which to base such a policy. This policy should be deleted.	<i>Noted.</i>	This section to be removed, to be covered by Public Realm. Section 7.0
	2.24	Transport and Travel – the provision of bus shelters and rail stations is a matter for commercial transport operators.	<i>Where the Council is promoting the use of public transport, the requirement for associated infrastructure is valid when relative to the development</i>	Amend text to reiterate that contributions for public transport will only be sought when relative to the development and over and above what cannot be provided by the transport operator. Paragraph 7.3.8
	2.25	It is unreasonable that a developer should be asked to provide payments or works to save a profit making organisation from the provision of infrastructure.	<i>It could also be argued that it is unreasonable for the transport operators to have to fund additional services which are needed as a result of a substantial increase in demand created by new development. B9 of Circular 05/05 ‘may reasonably be expected to pay for or contribute to the cost of all or that part of, additional infrastructure provision which would not have been necessary but for their development’.</i>	Amend text to re-emphasise that developers will not be expected to contribute towards improvements to public transport which cannot be absorbed by the transport operators. Paragraph 7.3.8

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	2.26	A contribution to the rail infrastructure is no different in terms of its justification than the need for highways improvements and so the same rules apply. Circular 05/05 makes it clear that a payment/provision has to be based on a need arising. The need for additional bus services is a function of demand by residents of the development.	<i>Noted.</i>	No change.
	2.27	The automatic requirement for the provision of contributions to rail improvements is unreasonable. Such contributions can only be sought if there is a need arising which otherwise cannot be absorbed within the existing infrastructure.	<i>The provision of such infrastructure is likely to be the exception rather than the rule if a large development will place a substantial increase on the demand for public transport services. It is in no way an 'automatic requirement' of developers – a planning obligation would only be sought if the increase in demand could not be absorbed within the existing infrastructure and a transport assessment would be used to assess impacts on the public transport infrastructure.</i>	Amend text. See above. Paragraph 7.3.8
	2.28	Whereas it is reasonable to seek MetroCards to encourage public travel, it is unreasonable to seek payment towards a service that would otherwise be uneconomic.	<i>Discussion with the operators will determine the viability of a service.</i>	No change.
	2.29	It is not reasonable or related to the development to require improvements to bus stops outside the development.	<i>If the development results in such a need that the provision of a bus stop outside a new development would be necessary and beneficial to the residents of the development.</i>	No change

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
3.0 English Heritage	3.1	Public Realm – Since all businesses within the City and Town Centres would potentially benefit from a high quality public realm and that every new development in these areas will make demands upon that public realm, all new development in these areas should be required to contribute towards public realm improvements.	<i>The Council and BCR are actively seeking improvements to the public realm within the City Centre. However, there may be other types of obligations that will be needed over contributions towards the public realm.</i>	No change.
	3.2	It would also seem reasonable that the scale of contributions should be proportionate to the scale of the development. However, the document needs to define a size of development below which no contributions will be sought and; specify schemes which would be exempt from contributions, for example where it would render a scheme unviable. This particular area for intervention might need the development of a public realm enhancement strategy based upon the Bradford City Centre Design Guide and the recently completed programme of Conservation Area Appraisals.	<i>The supplementary Public Realm Strategy will include such detail.</i>	No change.
	3.3	Built Heritage – in view of ODPM guidance, developers should only be required to contribute towards restoration of the built heritage within the locality within which the development is proposed to take place.	<i>Noted.</i>	Incorporate this into the Public Realm section. Section 7.0

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
4.0 The Theatres Trust	4.1	It is important that the need for developer contributions for cultural activities and facilities is identified as we are concerned and wish to be assured that theatre buildings benefit appropriately under the terms of S106 Agreements. The document does not specifically mention cultural facilities and we assume that these are included in the section on Restoration of the Built Heritage or within policies CF7 and CF7a on page 22. For clarity and to avoid confusion we suggest that the word 'cultural' is included with policies for Community Facilities – Community and Cultural Facilities.	<i>It is unlikely that planning obligations will be used to secure off-site contributions for the maintenance/development of theatre buildings as it would be difficult to show the direct link between a development and the impact on a theatre. On-site development of such buildings would likely to include maintenance/restoration plans. Any contributions will be decided on a case-by-case basis and although contributions towards theatre buildings will not be common, it cannot be ruled out.</i>	No change.
	4.2	The cultural infrastructure of town and city centres where theatres are normally located has been inadequately recognised in policy statements, e.g. PPS6 and PPS12. If local planning authorities follow these statements they will have no basis for the formulation of planning obligations related to theatre.	<i>The policies associated with Community Facilities are from the RUDP and so wording cannot be changed.</i>	No change
5.0 Sport England	5.1	The SPD could explain within the Introduction of what is a planning obligation.	<i>The SPD does give a brief introduction to planning obligations; it goes into more detail in Section 4.0. It could explain more explicitly and more obviously what a planning obligation is.</i>	Include in Part One, Section 1.0 a more explicit explanation of what a planning obligation is. Paragraph 1.2
	5.2	The draft explains that it related to Policy UR6 of the RUDP. The policy wording should be provided or introduced in Section 8 – the Appendix.	<i>Section 3.0 gives the policy wording for Policy UR6.</i>	Format to ensure the wording of Policy UR6 can be easily seen. Paragraph 3.4

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	5.3	The Introduction explains that obligations will be sought where developments result in increased demand for facilities, services and infrastructure. Section 4 also makes reference to this. A demand based assessment goes beyond Circular 05/05 advice. One of the more usual tests is 'need'.	<i>Accepted.</i>	Insert text to provide clarification. Paragraph 1.1
	5.4	Circular 05/05 explains that "planning obligations are unlikely to be required for all development". It would be useful to explain this. As written, as the majority of development would generate a demand for additional facilities and services, most development proposals would be expected to enter a planning obligation, providing the wrong emphasis.	<i>Planning obligations are unlikely to be required in all circumstances. The document sets out thresholds and formulae for seeking obligations when need for services/facilities/ infrastructure substantially increases due to development. The document needs to be clear about what obligations may be sought but it also need to be clear about when contributions will be sought.</i>	Amend text to explain the planning obligation procedure. Paragraph 2.9
	5.5	It would be useful in the Introduction to explain that: <ul style="list-style-type: none"> - an obligation is not solely monetary but can have a positive or negative effects – things to be done/not done, contributions in-kind or payment contributions, - it relates to planning applications and affects applicants and persons with an interest in land associated with an application for development. 	<i>Agreed</i> <i>This is included in Section 3.0 but to improve clarity and ensure greater understanding this could be moved to the Introduction section.</i>	Insert text. Paragraph 1.2 Amend accordingly. Paragraph 1.2
	5.6	Part 2 Areas for Intervention could under each of the sub-categories refer to the relevant RUDP policy, and where each policy is listed – the Appendix.	<i>If this is to make the reading of the document easier, each relevant RUDP policy can be stated at the beginning of each section.</i>	Amend accordingly. Throughout Section 7.0

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	5.7	Open Space and Recreation – could apply the word ‘sport’ in the heading as the section thereafter cross-refers to PPG17.	<i>Noted</i>	Title to be changed to Open Space, Sport and Recreation. Section 7.5
	5.8	Reference could also be made to Policies CF7a and OS5.	<i>Accepted.</i>	Relevant policies to be set out at the beginning of each section, Section 7.5
	5.9	The Open Space and Recreation sub heading refers to the 1994 SPG for the Provision of Children's Play Space Within New Residential Development. The draft SPD explains that it updates the SPG; also that the SPG together with the existing planning obligations formulae are to be taken into account; and that the SPG should still be referred to. The SPG applied to NPFA standards.	<i>Noted.</i>	Insert further clarity as to the SPD and Open Space Assessment. Section 7.5
	5.10	Use of Sport England Active Design Data Base to assist in identifying deficiencies in sport provision, and application of the Sports Facility Calculator as a basis for a formulae to arrive at level of contribution towards Indoor Sport and Recreation Facilities would be useful.	<i>Noted. District assessments will be the prime consideration but the Council will have regard to these tools. The approach will be set out in the new SPD which will go into further detail.</i>	No change.

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	5.11	No reference is made to the existence of the Council's 2006 Open Space, Sport and Recreation Study and its recommendations, nor to the SPD Scoping Report on Open Space and Built Recreation Facilities, currently also the subject of consultation. Both the Study and the SPD Report represent an updated evidence base that should have recommended local open space standards based on PPG17 advice. The use of NPFA standards may therefore no longer be applicable or relevant.	<i>At the time of preparation, the Open Space, Sport and Recreation Study had not been finalised and draft copies had not been approved by the Council. It will be referred to in the final draft of the SPD. Likewise the SPD Scoping Report had not been finalised.</i>	Refer to the Open Space Assessment and the SPD. Paragraph 7.5.5
	5.12	It is noted the draft refers to the Bradford City Centre Design Guide 2006. The Open Space Sport and Recreation Study equally deserves parity of treatment in terms of reference.	<i>Noted</i>	Make reference. Paragraph 7.5.5
	5.13	It is recognised that the SPD seeks to relate to open space policy OS5. The policy does not have a size threshold for its application. Yet the example listed in the SPD introduces a 10 dwelling unit threshold which does not truly reflect policy.	<i>Accepted. There is no threshold for open space/recreation – contributions will be sought for every development irrespective of size.</i>	Amend accordingly. Section 7.5
	5.14	Policy OS5 applied to a specific type of development – re new residential development. PPG17 has extended consideration of contributions from a wider development base other than solely residential. This could be acknowledged even though it does not reflect current development plan policy, as it represents the most up to date government planning advice.	<i>Noted. Policy OS5 relates only to residential development, however, Policy CF7a relates to all development.</i>	Make this clear in the text. Section 7.5

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	5.14	The draft SPD refers to 'alternatively' re contributions towards the provision of indoor facilities might be accepted in lieu of open space. It is suggested that this should be in addition to, as per policy CF7a.	<i>Noted.</i>	Text to be amended to make clear that contributions to built facilities may be sought in addition to open space contributions. Paragraph 7.5.6
	5.15	Section 4 of the Sustainability Appraisal Report, lists pedestrian/cycle routes/distances as key indicators for monitoring effectiveness of the SPD re meeting sustainability objectives, Under Transport and Travel however, there is no reference to obligations requiring contribution towards pedestrian/cycle movement and routes. Yet policies PM1 and PM10 which refer to such infrastructure provision are listed in the Appendix as relevant policies which the SPD will seek to implement. The opportunity should be taken to list these policies under this intervention category.	<i>Noted.</i>	Amend accordingly, in line with relevant policies of the RUDP. Section 7.3, iv)
6.0	6.1	It is the correct approach to look at sites on their individual merits rather than lay down a blanket set of "instructions" for development.	<i>Agreed</i>	No change

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
Crosby Lend Lease	6.2	It is important that developers have some idea as to what the values attributable to the various elements are with particular reference to affordable housing -it is absolutely vital that developers know not only what the % of affordable housing is but what this means in cost terms. We need to know what we can sell the discount for sale units, the shared ownership units or the social units at. Without values attributable to these elements the affordable % becomes meaningless and developers cannot prepare meaningful or accurate bids/proposals. For example, we also need to know what the cost of MetroCards is, how it will be applied etc. The crux is that developers need to know in real monetary terms what the s106 obligations will cost.	<i>Noted. A more detailed approach will be contained in the District-wide affordable housing policy, which is currently under review.</i>	No change.

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD	Bradford MDC Response	Outcome
	<p>6.3 It is imperative that the planners/Council recognise what the developer is giving back – be it in terms of employment generation, refurbishment or listed and/or derelict buildings, improved highways or public realm – and such positive contributions should perhaps be discounted against other s106 agreements – if a developer is making a positive contribution in such terms they should not then be asked for every other s106 contribution that can be thought of. We need to move away from the ‘developer pays’ principle and towards a working together attitude that recognises the positive contribution regeneration and (re) development can make to the city centre. Development profit should not be seen as a negative because to make such profits developers take huge risks which in a relatively fledging market as Bradford should be recognised as the risks are that much greater compared to Leeds, Sheffield etc.</p>	<p><i>Noted. The requirements for contributions are linked backed to higher RUDP policies and applied on a case-by-case basis in compliance with Circular 05/05.</i></p>	<p>No change.</p>
<p>7.0</p> <p>West Yorkshire Archaeology Advisory Service</p>	<p>7.1 We suggest that a useful inclusion within the section ‘Restoration of the Built Heritage’ would include an additional statement that developers may be asked to contribute funds to explain and interpret the significance of a particular archaeological site or historic building that their development has affected. This might take the form of a popular publication or a local exhibition or the siting of an interpretation board, to increase local knowledge, respect and enjoyment of CBMDC’s rich historic environment.</p>	<p><i>This is not an appropriate request. Obligations should be used to make the development acceptable in planning terms. This type of request could be dealt with through planning conditions.</i></p> <p><i>Note – amendments to this section are being made as a response to other representations.</i></p>	<p>No change.</p>

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	7.2	The term 'built heritage' is no longer favoured within Government circles as it does not truly reflect the width and diversity of that the term is supposed to encompass. The favoured term is now 'historic environment'.	<i>The RUDP favours the term Built Heritage and the Historic Environment. .</i> <i>See changes to this section as a result of other representations.</i>	Delete section. Section 7.0
8.0 Barton Willmore (on behalf of Persimmon Homes)	8.1	Affordable Housing – we recognise that an effort has been made by the Council acknowledging the differences in affordable housing requirements across the District. However, the Panel Report into the Draft RSS recommends that the housing numbers for West Yorkshire are increased. Whilst pressure for housing in Bradford is already high, this is likely to increase the pressure further across the District as a whole. It is therefore not appropriate to impose set percentages for affordable housing which may conflict with the need to accommodate higher housing numbers and which may also make certain sites unviable.	<i>The requirements in terms of percentage figures are based on a demonstrated need identified by the Council and its partners.</i> <i>This section restates the RUDP policy and supporting text. The approach to affordable housing will be set out in a new District-wide SPD in advance on the Core Strategy. The approach to affordable housing and general housing supply will be considered in the emerging Core Strategy, in line with the RSS. However, it is clear from the Local Housing Assessment and RSS that there is a high level of need for affordable housing.</i>	No change.
	8.2	The need for affordable housing should be assessed on a site by site basis, with affordable housing provided to act more as a guideline that can be applied flexibly. This will enable the actual provision of affordable housing to be appropriate to local needs; it will also avoid the erosion of the viability of certain sites.	<i>The Council will base its requirements for affordable housing on the extent and need, accounting for the suitability of the site and the economics of provision.</i>	The text will be amended to emphasise this. Paragraph 7.1.3

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	8.3	Highways and Other Physical Infrastructure – it is not clear what ‘wider geographical area’ refers to in terms of the expenditure of contributions. This is vague and could be used irresponsibly. This should be changed to be better defined in more measurable terms.	<i>Any requirements of obligations would be based on an identified impact on the highway network. The wider geographical area will need to be shown as relative to the development.</i>	Additional text is needed here to explain this.
	8.4	Open Space and Recreation – such a rigid payment requirement of £800 per two-bed unit is inappropriate and inflexible. Bradford is very diverse and circumstances, and so the need to open space contributions will therefore vary considerably across the District. The requirement should be amended to apply flexibly to developments, based on an assessment of local requirements and the size of the development.	<i>The figure provides the developer with certainty, and the exacting nature of the figure should not be seen as precluding a flexible approach by the Council in negotiations. The figure has since been updated by the Council, and a sliding scale now exists with figures relating to sizes of development.</i>	Amend text to take into account sliding scale. Section 7.5, i)
	8.5	Public Art – this policy should make reference to an identified need for public art – provision will not always be appropriate to the development concerned. This is instead of imposing a rigid percentage of 1% of the development costs.	<i>Noted. The Council encourages contributions towards public art and these will be secured through planning obligations in line with Policy D8 of the RUDP.</i>	Clarify text. Paragraph 7.6.1
	8.6	In addition, the term ‘development costs’ is vague and should be more clearly defined. A clearer definition of the term would allow potential developers to assess the level of public art provision that may be required of them.	<i>The supporting text of Policy D8 of the RUDP sets out that up to 1% of the total cost of the project will be sought for the provision of public art.</i>	No change.
	8.6	Restoration of the Built Heritage – it is unclear of what is meant by ‘where appropriate’. This should be amended so developers can understand in advance what contributions they may be required to provide. For example, does it apply to all developments regardless of size and location? Does it apply to developments within Conservation Areas?	<i>Noted.</i> <i>Amendments have been made to this section in light of other representations made.</i>	Section deleted as no higher level policies. Section 7.0

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
9.0 Steeton with Eastburn Parish Council	9.1	All large scale development (+20 builds) should have on site provision for play/leisure, otherwise the established community will become alienated and rightly so – play/leisure must be shared out equally throughout the whole community.	<i>It cannot be presumed that it is feasible to provide on-site play areas for all developments of 20 units or above, this will depend on the location of development and may not be possible in built up areas such as the centres. Off-site provision will be accepted and will be provided within the local ward. Policy OS5 states that for residential developments of more than 50 dwellings, on-site children's play space must be provided.</i>	No change.
	9.2	If all properties are not levied what will happen is that small areas could end up with 50 or 60 properties built as single builds leading to a growth in population of 200 to 300 people but having made no contributions to local facilities. Single properties should have a charge levied on them. One way in which these monies could be levied is to be charged an amount based on a square yardage calculation of the site, then amounts to be determined between council officers, area committee members and parish council members.	<i>Government policy dictates thresholds for certain things such as affordable housing, where PPS3 states a threshold of 15 dwellings before contributions are sought. There has to be a threshold drawn somewhere and the Council has to take a balanced view on what an appropriate threshold is. If obligations were sought for single development this would slow system down. It is impossible to predict the future development in an area, but if a developer develops a number of smaller housing schemes over a number of years, the Council may request contributions for subsequent applications.</i>	No change.

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	9.3	These charges should be ring-fenced for use in the parish or area where they were generated. Where these funds are spent on and on what should be decided by local councillors.	<i>The SPD states that the Case Officer will be the main contact for the negotiations of the obligations and it is left to the Ward Councillor to contact the Case Officer and suggest possible areas for expenditure of contributions. If the Case Officer, Committee Members and Parish Council Members are all involved in negotiating with developers, the process will slow down and not help to achieve the aims of the SPD.</i>	No change.
	9.4	A pot should be established of 15-20% of monies to provide for upgrading and maintenance.	<i>Maintenance costs should only be requested for provision of on-site recreation space.</i>	No change.
	9.5	Developers should not be allowed to get away with offering s106 money instead of making adequate provision.	<i>In line with the requirements of Circular 05/05, the Council, when determining planning applications will take into account the policies in the RUDP and what is required through planning obligations. Developers will 'not get away' with not offering contributions for community provision if the development results in a need for such facilities. Just offering S106 monies rather than carrying out the work themselves depends whether the contribution is for on-site provision or not, and they may ask the Council to undertake the work themselves, but this is a decision for the Council to make.</i>	No change.

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
10.0 Jones Lang LaSalle (on behalf of Keyland Development Ltd)	10.1	Whilst each of the themed headings is valid in principle, it is a long shopping list of potential contributions. It is recognised that development will have an impact on services, and may have to provide additional facilities, but cannot be justified to solve existing problems.	<i>The SPD has attempted to cover most areas for contributions mentioned in the RUDP. It is imperative that this is not seen as a shopping list but that it enables developers to have an idea of what might be sought depending on the type and scale of development and the resulting need at the local level.</i>	Re-emphasise that this is not a “shopping list” and that the document has attempted to cover most aspects of what may be required from developers. Paragraphs 2.8 & 2.9
	10.2	Restoration of the Built Heritage – unless the proposal requires the restoration/conversion of heritage building, there should be no requirements for general contributions. This should be clarified through additional text and outline where it would be reasonable to expect such contributions. Grant funding is available and monies should not be sought from developers under s106 agreements under the SoS tests.	<i>Noted.</i>	This section to be removed and included with the Public Realm section. Section 7.0
	10.3	Transport and Travel – whilst recognising the impact of development on public transport services it is not the developer’s obligation to fund residents’ travel. We object to the suggested requirement to provide MetroCards for all residential developments; further no timescale is set for this onerous commitment. It is for the Council to ensure that public transport is attractive enough to encourage increased usage. We suggest that reference to MetroCards is deleted.	<i>MetroCard provision is requested to reduce the amount of journeys made by the private car which would otherwise result from new residential development. It is not a matter of paying for residents’ travel; it is a measure to reduce the impact on the highways network by promoting sustainable travel.</i>	No change.

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	10.4	We have concerns that planning obligations are being sought to upgrade the existing public transport system rather than being a direct consequence of development. We consider the requirements for a new bus-stop as a consequence of a significant new population is more appropriate than upgrading or providing real-time displays.	<i>Contributions may be sought to make improvements to the public transport system as a result of additional usage by new residents/employees of large developments. Provision or upgrading of real time displays will encourage people to use public transport, thereby reducing impacts on the highway network.</i>	No change.
	10.5	The following text should be added to the box – ‘where it can be demonstrated that it is reasonable, necessary, directly related to the proposed development, and related in scale and kind’.	<i>These key tests are set out at the beginning of the document, and should be applied to all planning obligations. There is no need to repeat this.</i>	No change.
	10.6	Geographical Limit to Expenditure – we strongly agree that contributions must be spent either in the vicinity of the development, and if not, evidence must be provided that the contributions are being used to ameliorate the effect of the development concerned. The text should be amended to reflect this. We would strongly support the identification of key projects that will require contributions from developers in the relevant Area Action Plan.	<i>Supporting comment. The area for expenditure will vary depending on what the contributions have been sought for. For example, built recreational facilities will have a larger catchment area than highways improvements.</i>	No change

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	10.7	Viability of Development – the long list of potential planning obligations has considerable implications on the viability of development in Bradford. Bradford is not at a stage where all these contributions can be reasonably met and are financially viable. We suggest more flexible policy wording is inserted to the end of Page 9 to enable negotiation, particularly for contributions sought for development within the town centre. We suggest the reference to the deferment of obligations is deleted. If not, we are concerned potential investors will be detracted and regeneration aspirations will not be achieved.	<i>Noted. All contributions are subject to negotiation with applicants. The applicant should be aware of the likely obligations and factor these into the acquisition costs of development sites. The requirements also link back to national guidance and local RUDP policies. The SPD has not changed the policies but given more information on their implementation.</i>	No change
	10.8	We also suggest that contributions are prioritised so that where it can be shown not to be viable to provide for all, those such as affordable housing or transport, are prioritised over for example, Percent for Art policies.	<i>It may be inappropriate to prioritise areas for contributions. This is a District-wide SPD and different areas of Bradford experience different issues. The obligation, if required, will depend on the type, scale and location of the development and which policies apply.</i>	No change.
	10.9	Affordable Housing – have made separate comments on the City Centre Affordable Housing SPD. We suggest that city centre living needs to become established before affordable housing at the proposed level is sought to support regeneration and sustainable development and to encourage new residents.	<i>Research carried out by DTZ showed that Bradford was able to adopt such an affordable housing policy at the levels set out the Draft City Centre Affordable Housing SPD without jeopardising further investment in the residential market.</i>	No change.
	10.10	Community Safety – no objections where there is evidenced need and directly related to the development.	<i>Supporting comment; however, it may be better dealt with through planning conditions.</i>	Amend – delete the Community Safety section. Section 7.0
	10.11	Education – contributions must only be required where development will create demand recognising demographic profiles or anticipated occupants.	<i>Supporting comment</i>	No change.

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	10.12	Highways & Other Physical Infrastructure – contributions should only be requested where occupants will have a direct impact on the infrastructure. Transport modelling would be expected to justify any contributions.	<i>Supporting comment.</i>	No change.
	10.13	However, in city/town centres, highways and other physical infrastructure improvements should be waived in favour of contributions to enhance cycling, walking and public transport facilities.	<i>Noted. Infrastructure improvements should include enhancement of cycling, walking and public transport facilities, but there may also be physical infrastructure issues in the city centre.</i>	Additional text in the Transport and Travel section referring to improvements to green travel. Section 7.0 iv)
	10.14	Reference to commuted sum payments for the range of transport installations should be deleted other than for soft and hard landscaping. Some of the items referred to cannot be reasonably maintained through developer contributions. It is the Highways Authority's responsibility for such items once provided on public highways and this reference should be deleted.	<i>The commuted sums are for the maintenance of new works such as traffic signals, street lighting and retaining walls which are required to facilitate the development and would not, otherwise, have formed part of the highway network maintained by the Council. It is widespread practice to expect developers to pay for the maintenance of their new installations for up to 20 years.</i>	No change.
	10.15	Natural Environment – contributions should only be required where they reasonably relate to the proposed development, this should be made clear in the text.	<i>Noted. Planning obligations should only be sought where it can be shown that they relate to the development.</i>	No change.

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	10.16	Open Space – this is appropriate where it is related to the requirements of the users of the development. General consensus is that the NPFA standards are out of date and only appropriate in low density locations. Quality and variety is more valuable than quantity. Roof gardens, pocket play parks, allotments, and squares are all examples of open space with a defined function. We suggest a much more flexible approach is adopted on open space provision particularly in the city centre as these targets are not achievable. Any financial contributions need to be justified by an open space/public realm strategy for the city centre.	<i>The Council is currently developing local standards as a result of the Open Space Assessment.</i>	No change.
	10.17	Public Art – this section should be deleted as it is incorporated into the Public Realm section.	<i>Contributions towards the provision of public art will be encouraged in line with Policy D8 of the RUDP, and which will be secured through a planning obligation.</i>	No change.
	10.18	Public Realm – we support the policies relating to public realm but suggest that requirements are balanced against other planning contributions. The public realm strategy should be clear in defining what contributions are to be spent on.	<i>Accepted. In the city centre, Bradford Council and BCR are seeking improvements to the public realm; the strategy will set out the projects towards which public realm contributions will be expended.</i>	No change.
11.0 Walton & Co (on behalf of Skipton Properties Ltd)	11.1	The draft SPD makes reference to cases where developers raise the issues that obligations cannot be met without compromising the viability of the development, and the Council may consider deferment pending an appraisal of sales prices achieved. A mechanism for a deferred commuted payment towards affordable housing based on 'overage' is proposed. This approach is not considered to be acceptable because not only is it wholly contrary to national planning policy but it will also stifle development.	<i>Noted.</i>	Reference to overage to be deleted. Section 7.1

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	11.2	Skipton Properties carries out development projects which seek to regenerate and/or re-use sites that other developers would not consider due to abnormal costs. The redevelopment of sites is often only marginally viable and is not feasible if it is expected that those sites meet all the requirements of development plan policies such as provision of affordable housing or financial contributions towards open space or community benefits.	<i>A developer would be expected to factor into the acquisition costs the requirements of any obligations. The formulae set out in the document are a start point to negotiations, and are linked to established RUDP policies.</i>	No change.
	11.3	Advice in Circular 05/05 states that where it is not feasible to meet all requirements set out in planning policies, the level of contribution should be subject to negotiation. It also notes local authorities should consider what contribution they can make towards providing necessary infrastructure.	<i>All contributions are subject to negotiation.</i>	No change.
	11.4	The economic viability will affect the threshold and proportion of affordable housing that can be delivered. The correct time to make an assessment of the viability of the schemes is during the application determination. It should not be open to the planning authority to re-assess the viability and claim a deferred benefit once the development is completed.	<i>See above</i>	No change.
	11.5	The approach in the SPD (for affordable housing) relies solely upon an assessment of the sale prices as opposed to the sales forecast in the appraisal. There is no support in government guidance or the RUDP for an approach where the LPA may revisit the viability of the scheme at a later date. This approach fails to acknowledge other costs such as remediation/build costs which may also increase.	<i>Noted.</i>	Reference to overage to be deleted. Section 7.1

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	11.6	We suggest the final two paragraphs of section 5 are deleted and replaced with: <i>'The Council will have regard to economics of provision and costs of development in assessing the planning benefits which a development is required to deliver. Where developers provide a full financial appraisal which demonstrates that it is not economically viable, for example, by reason of abnormal remediation, restoration or conversion costs, to provide all the obligations set out in planning policies the Council will negotiate with the developer a reduction or, where appropriate, a waiver of planning obligations.'</i>	<i>The requirements of remediation is not seen as an "abnormal" cost and should be factored into the development costs prior to the submission of a planning application. The formulae set out in the SPD are starting points for negotiation but it is likely that contributions are to be required for almost all developments.</i>	No change.
12.0 Home Builders Federation (HBF)	12.1	Any matters of importance to development costs will instead need to clearly set out in a DPD rather than being delegated to an SPD. Given that they could potentially have significant impact on development viability, they must be dealt with in DPDs and subject to the appropriate public scrutiny bestowed on these.	<i>It is the role of an SPD to provide detail linked to a higher level policy. This document does not create new policy and it would be inappropriate to include within a DPD the full detailed the guidance contained in this document, and would go against aims of PPS12 to make LDDs succinct.</i>	No change.
	12.2	Pre-application Discussion Stage – HBF is soon to publish 'Pre Application Discussion Good Practice Guidance' prepared in conjunction with the Planning Officers Society and British Property Forum. This should be acknowledged.	<i>It is not appropriate for the Council to list every relevant document/guidance. Only adopted policies shall be referred to.</i>	No change.

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD	Bradford MDC Response	Outcome
	12.3 Application Appraisal Stage – HBF is fundamentally opposed to an open book, spreadsheet based development appraisal. This goes way beyond the remit of the TCP legislation and is an attempt to set a level of developer profit by imposing a land tax on development which we believe to be illegal. Authorities can seek this but cannot expect it or require it. Different developers and development schemes will operate to different costs and profits and it will be difficult for a third party to comment on what is and what is not financially appropriate.	<i>In circumstances where the applicant presents a case that a development would not be viable as a result of meeting obligations, there needs to be transparency in how that outcome has been arrived at.</i>	No change.
	12.4 Part Two – Areas for Intervention Overall, HBF believe the planning obligations are too prescriptive. It is crucial any planning gain requirements are considered in relation to site viability. It must be remembered that developers can only be asked to fund these where need directly relates to new development.	<i>The SPD repeats policies of the RUDP and sets out guidance for their implementation. These are adopted policies and the SPD does not introduce further policies or change existing ones. It is essential that in order to speedup the process, developers understand from the outset what contributions may be sought. A development appraisal may be sought if the developer feels that contributions will render the scheme unviable. It is stated clearly in the document that obligations will only be sought where there is a clear link with the development.</i>	No change.
	12.5 If planning gain requirements are unrealistic then landowners won't sell their sites, and developers won't find them profitable enough to develop. The Council would then be likely to struggle to meet its housing supply requirements. It would also then fail to meet its responsibility to meet the housing requirements of the whole community.	<i>Noted. The policies that relate to planning obligations have been clear for some time, and should be factored into any land values. The SPD does not introduce anything new in terms of what may be sought through planning obligations.</i>	No change,

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	12.7	Affordable Housing – HBF advocates a more flexible approach to determining affordable housing percentages. Any requirement must seek to take on board the overall viability and the range of other planning gain requirements likely to be sought. Unrealistically high affordable housing rates may severely threaten housing delivery rates.	<i>The threshold figure is provided by Central Government. The top level policy allows for negotiation at the time of the application based on current need. The percentage figures based on the current housing strategy are a starting point for negotiations. The District-wide affordable housing SPD will update this approach.</i>	No change.
	12.8	Education – we consider this to be a very relevant planning condition. However, we are concerned as to the very substantial contributions, which are required to satisfy this obligation. Overall, there are more households due to an ageing population, therefore there are no additional people to cater for and there should be no additional contribution.	<i>Where it is demonstrated there is a need for school places then education provision is likely to be required through an obligation.</i> <i>ONS statistics show that although the 5-19 age group is due to decrease over the next 15 years, in Bradford this group is projected to increase by approximately 3%.</i>	No change.
	12.9	Open Space & Recreation – HBF objects to specifying the number of dwellings. This does not take into account the individual nature of sites, i.e. whether there is a surplus of open space within an area. A development should only provide for open space when it is directly related to the development, and not to satisfy a deficiency within the locality.	<i>Accepted. In line with Policy OS5 of the RUDP, there will be no threshold for recreation/open space contributions.</i>	Amend text. Section 7.5, i)
	12.10	Public Art – what is proposed in the document is too prescriptive and goes way beyond what is stipulated in policy and way beyond the TCP legislation. It is a very low site size threshold and is unreasonable and excessive and is certainly not required in order for development to proceed. The SPD must be brought back in line with policy which recognises that public art is desirable rather than necessary – it certainly cannot be justified in every case.	<i>The Council will encourage developer contributions for public art and these will be secured through a planning obligation.</i>	No change.

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	12.11	Public Realm – HBF draws attention to the 'Building for Life' document produced in consultation with CABE. This should be acknowledged within the SPD.	<i>It is inappropriate to list every 'relevant' document within the SPD. Unless it is an adopted policy document, it will not be referred to.</i>	No change.
	12.12	Transport & Travel – new developments must only contribute to provision required to meet genuine need it creates and must not be used to satisfy existing shortfall. HBF objects to the onerous requirements set out.	<i>Agreed.</i>	To make this clear in the text. Paragraph 7.3.8
13.0 Dacre Son & Hartley Planning Unit	13.1	Concerned that a number of items contained in the draft go beyond the scope of what could reasonably be related to a development. As such they go beyond Policy UR6 of the RUDP and fall foul of requirements PPS12 which restrict the content of an SPD.	<i>Noted.</i>	Amend appropriately. Section 7.0
	13.2	Until such time comes when Policy UR6 is replaced within the new LDF we expect the contents of the SPD to conform with the saved policy and be in line with Government guidance.	<i>Noted.</i>	No change.
	13.3	It would have been a better use of Council resources to bring on-line the existing requirements in an open and transparent manner. The Council's support to providing maps setting out affordable housing requirements and detailed guidance on MetroCard funding etc is currently inadequate and slowing down the system. A web-based update of the adopted system would have been a more efficient approach until the Core Strategy is adopted	<i>Noted. However, following recommendations from a Member Working Group on planning obligations, the Council is committed to producing the SPD. The Council's Housing Service is in the process of finalising the Local Housing Assessment which will inform a new District-wide affordable housing policy.</i>	No change.

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	13.4	Areas for Intervention – the sub text suggests a speedier, predictable and transparent system but we are concerned that this could be suspended at any time if the Council discovers a major infrastructure schemes it wishes developers to fund. The text is unhelpful, introduces uncertainty and should be removed.	<i>Noted.</i>	Clarify role of SPD in Introduction. Paragraph 2.8
	13.5	Affordable Housing – welcome the Council's decision not to amend the Affordable Housing requirement. Additional text should be inserted that discusses the need to improve the evidence base for all parts of the District such that a new policy can be developed through the Core Strategy. The City Centre Affordable Housing requirement should not be advanced in isolation.	<i>Noted. The Council is finalising the updated Local Housing Assessment which will aid the preparation of a District-wide affordable housing SPD.</i>	No change.
	13.6	Community Safety – we object to the suggestion that a developer may be requested to contribute to upgrade of street lighting beyond the limits of the development to reduce crime in the general area. Crime reduction is the responsibility of the Council and others such as the Police Authority. The text on street lighting fails the requirements of Circular 05/05 and requires re-writing or scrapping.	<i>Accepted.</i>	Delete CS section – can be covered by planning condition. Section 7.0
	13.7	The requirement to install CCTV is a matter for the developer and not the Council and should be based upon sound design and safety requirements. When crime/disorder is an issue for the wider community it is a matter for the Council and beyond the scope of what is reasonably related to a development in Circular 05/05.	<i>Accepted.</i>	Delete CS section – can be covered by planning condition. Section 7.0

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	13.8	Education – whilst not being opposed to education contributions being made where they relate to large developments, we are concerned this new approach is no more transparent than the current highly confusing situation.	<i>Noted. It is inappropriate in the SPD to give formulae for education contributions as contributions will depend on the size and location of the development and existing educational resources in the local area. Liaison with Education is inevitable.</i>	No change.
	13.9	We object to the suggested contribution towards education for 0-5 year olds as the majority of education for children of this age is not a duty of the LEA.	<i>Accepted.</i>	Remove reference to provision of facilities for 0-5 year olds. Paragraph 7.2.3
	13.10	Education contributions can be considerable where a deficiency exists and this type of information needs to be freely available at all times and updated regularly. This information should be available at the time of bidding for land as well as at the time that planning applications are made. This needs to be understood in the text.	<i>Noted. It is inappropriate in the SPD to give formulae for education contributions as contributions will depend on the size and location of the development and existing educational resources in the local area. Liaison with Education is inevitable.</i>	No change.
	13.11	Highways & Other Physical Infrastructure – the upgrade of the network directly affected by the development proposed is reasonable and normally addressed through Section 38/278 agreements. Maintenance payments are not normally required and should not be sought unless a sound case can be made by the Council.	<i>The commuted sums are for the maintenance of new works such as traffic signals, street lighting and retaining walls which are required to facilitate the development and would not, otherwise, have formed part of the highway network maintained by the Council. It is widespread practice to expect developers to pay for the maintenance of their new installations for up to 20 years</i>	No change.
	13.12	Contributions towards a wider highways scheme need to be identified through specific Core Strategy policy and set out in advance of a topic specific SPD. We suggest this text should be re-written.	<i>Noted. Any scheme where contributions will be pooled will be set out in other LDDs – Core Strategy, DPDs or SPDs.</i>	Clarify text. Paragraph 7.3.4

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	13.13	Natural Environment – in our opinion where a scheme directly impacts upon a designated site such that mitigation measures cannot overcome the impact in order to make that scheme acceptable, then the scheme should be refused.	<i>Noted.</i>	Amend text to reiterate that development will only be accepted where the case for development outweighs the nature conservation value of the site, in line with the policies in the RUDP. Section 7.0
	13.14	Reference to the “setting” of such a designation is not a recognisable term and needs to be re-written.	<i>Accepted.</i>	Amend text. Section 7.4
	13.15	Open Space & Recreation – the text is ambiguous as to whether this a requirement where open space cannot be provided on site, or if this is an additional requirement beyond that already required of Policy OS5. It should be re-written to be made clear.	<i>The text gives more detail on the implementation of Policy OS5 which requires contributions for the provision of recreation open space.</i>	Amend to clarify relationship with the policy. Section 7.5
	13.16	We request reference to indoor facilities be removed as this does not relate to the provision of open space.	<i>They do not relate to the provision of open space but they do relate to the provision of recreation facilities. Policy CF7A refers to indoor recreation facilities.</i>	Make clear that contributions will be sought for both indoor and outdoor provision. Section 7.5
	13.17	Public Art & Public Realm – we would encourage the Council to negotiate with developers to enhance the public realm in and directly adjacent to new development. We consider this should not feature as a requirement of the SPD and better promoted as a general policy through the Core Strategy.	<i>Policies in the RUDP support the provision of public art and public realm. Contributions for these will be encouraged and will be secured through a planning obligation.</i>	No change.

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	13.18	References to public art contributions should be dropped from the SPD and do nothing to speed up the system.	<i>Contributions towards the provision of public art will be encouraged, in line with Policy D8 of the RUDP, and will be secured through a planning obligation.</i>	No change.
	13.19	Restoration of the Built Heritage – where there is no direct connection between the development and its impact upon the structure of built heritage, then no contribution can reasonably be sought. There is no saved RUDP policy upon which to attach this requirement and no support for such an approach written into Circular 05/05.	<i>Noted.</i>	Deletion of this section, this section to be included by Public Realm. Section 7.0
	13.20	Transport & Travel – we have become increasingly concerned the MetroCards are requested on an ad hoc basis and requested over 1, 2 or 3 years. The proposed policy needs to be clearer on this matter when referring to reduced car parking on schemes and needs to be more geographically specific. MetroCard contributions can add a further £2000 to the cost of each unit and is a significant sum for larger developments. We request this part of the policy to be re-written or become much clearer, predictable and transparent.	<i>The current approach is to request payment of the MetroCard for the first year. The occupiers of the units are then able to purchase the Card for the second and third years at a discounted rate.</i>	Insert wording to clarify. Paragraph 7.3.9
	13.21	The installation of bus shelters off site is a matter for the profit making bus operator and not the developer. We request this text be removed.	<i>Bus stops are part of the public transport infrastructure, and installation of bus shelters will encourage people to use buses instead of the private car.</i>	No change.
		Reference to contributions to rail operators is also meaningless as these cannot often be related to site specific developments.	<i>Accepted.</i>	Removal of text. Section 7.0

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
14.0 Bradford District Chamber of Trade	14.1	Objectives of the Document – we acknowledge the four identified aims. We also feel the role of the Case Officer is of paramount importance to ensure a more joined up approach to planning matters.	<i>Supporting comment.</i>	No change
	14.2	Planning Policy Context – we are supportive of the use of S106 agreements to minimise the adverse effects of some developments, we would caution their use if it meant that a developer felt that it would render it unviable and as such it would then not take place.	<i>As section 5.0 explains out, if developers feel contributions would render the development unviable, they would have to provide a development appraisal showing this. In addition, all obligations are negotiable.</i>	No change
	14.3	We would like to see developers have to provide parking facilities for adjacent properties to the new development where new traffic calming measures have been agreed as part of the permissions. Planning permission is often given and a traffic order regulation is produced a few months later resulting in the loss of on-street parking. The current and proposed policies do not provide any form of redress nor does it place any burden on the developer which we feel it should.	<i>It is Council policy to minimise the amount of parking made available in the city, town and District centres in order to reduce the number of journeys made by private vehicles, as they as accessible by public transport. Providing parking for adjacent properties is of no concern to developers and without it will not make their development unacceptable. In line with the RUDP, the Council will 'pursue more restrictive maximum levels of parking...except where [it may result in] significant road safety or on-street parking problems'.</i>	No change
	14.4	Planning Policy Context – the reference to one of the aim of the Community Strategy – 'make healthier communities and improve the quality of life for older people' – this could be compromised if an elderly person has to give up/sell their car because development results in a loss of on-street parking.	<i>It is not our desire to remove all on-street and/or public car parking in the city centre. Government policy encourages the use of green modes of travel such as walking and cycling, especially in the city and town centres, although this will not be to the disadvantage to those who need access by the private car.</i>	No change,

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	14.5	4.0 The Use of Planning Obligations – we would like to see more support for the use of the private car. This section seems to give a total lack of commitment to it.	<i>Government policy encourages a reduction in the use of the private car in order to promote more sustainable ways of travelling to lessen the impact on the environment. The Council does not want to encourage, within this SPD, private car use.</i>	No change
	14.6	Procedure for Negotiations – we feel the Council has to decide the procedures and how to implement them to ensure the aims of the SPD are achievable and deliverable.	<i>The procedures have been decided and are set out in the document.</i>	No change
	14.7	Areas for Intervention – there has to be a balance between what the developers feels is a fair compensatory agreements to redress the impact of development, and what the Council feel they can push for to allow permission.	<i>Agreed. Planning obligations are negotiable and the SPD offers a starting point for these negotiations.</i>	No change.
	14.8	The Council needs consistency in requests otherwise developers may the “shopping list” is too large and pull out from the development.	<i>The areas for contributions set out in the SPD do not form a “shopping list” it merely sets out what contributions may be sought, how the level of contribution is calculated and offers some predictability and transparency to the process.</i>	Re-emphasise the content of the document and the role of the Areas of Intervention. Section 2.8 & 2.9
	14.9	We do reiterate that the impact on local communities via any resulting TRO should be addressed by the developer and if the existing road infrastructures are not able to cope without extensive traffic calming to the obvious detriment and amenities of the local community then the development should be curtailed or refused.	<i>Noted.</i>	No change.

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	14.10	Public Realm – this SPD highlights that contributions will be pooled from developments within the URC boundary and expended against an agreed strategy with BCR. We would be unable to support a strategy that removed the opportunity to consult further on such issues. To allow one group to have the sole responsibility to allocate funding for public realm is too insular and is, in our view, undemocratic.	<i>The Strategic Director agrees the preparation of a Strategy for the expenditure of S106 funds in City Centre public realm as agreed with Bradford Centre Regeneration and relevant partners.</i>	Amend text to clarify this. Relevant partners would include BCR, BCHT, Bradford Chamber of Trade, Bradford College, the University of Bradford and Goitside Regeneration Partnership. Section 7.7
	14.11	We are supportive of a more detailed local decision making process that should ensure the Council can deliver more appropriately what our local area needs/requires. However, even if the SPD is secured, we would always seek ongoing dialogue on how the initial draft/document is progressing, and if it is found to be “falling short of requirements” we would expect some changes to be made.	<i>Once the SPD is adopted, it will be monitored, results of which will be included in the Annual Monitoring Report (AMR).</i>	No change.
	14.12	Sustainability Appraisal Report – Employment & Local Economy – concern regarding the loss of various pockets of industrial/employment land and buildings have been lost for housing developments. This needs to be taken on board to ensure future entrepreneurs wanting to start up in business will have suitable land/premises available.	<i>Noted.</i>	No change.
15.0 West Yorkshire Passenger Transport Executive	15.1	Metro supports the principal of using developer contributions to: - promote sustainable access to development sites to mitigate impact of traffic generation and improve accessibility to key services;	<i>Supporting comment.</i>	No change.

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
		<ul style="list-style-type: none"> - improve public transport infrastructure - improve public transport networks and services - promote softer measures such as ticking and marketing activities. 		
	15.2	The draft SPD does not satisfy the stated objectives regarding the level of contributions to be sought and the services/infrastructure where it will be expended. The document does not refer to specific schemes for which contributions will be sought, or provide formulae for how levels of contributions will be calculated.	<i>It was deemed inappropriate to list schemes for contributions in the SPD as would have to be regularly updated. The document does provide formulae for levels of contributions, under each Area for Intervention, where appropriate.</i>	No change.
	15.3	Too many references are made to what 'may be expected' rather than what will. Other references are made to 'some examples'. We appreciate the need to assess an application on its own merit, it may be better for all stakeholders to provide certainty wherever possible.	<i>By stating what contributions will be sought this reduces the flexibility of the Council to negotiate planning obligations on a case by case basis. The SPD aims to give developers an idea of what may be requested; the pre-application discussions will enable developers to ascertain what will be sought.</i>	No change.
	15.4	Section 2.0 – Objectives of the Document – it may be more appropriate in this section to mention the Case Officer will be the main contact for negotiations and explain their role in more detail in Section 4.0.	<i>Section 2.0 does explain that the Case Officer will be the main contact for negotiations. It seems inappropriate to explain the role of the Case Officer in the section which outlines how/where contributions will be expended. Their role is outlined in Section 5.0.</i>	No change.
	15.5	Section 3.0 – Planning Policy Context – other documents could be included here, e.g. RSS, Regional Transport Strategy and West Yorkshire LTP 2.	<i>This section looks at planning obligation policy, and how policy and guidelines set out how the document may look.</i>	No change.
	15.6	Section 4.0 – The Use of Planning Obligations – the reference to Physical Infrastructure could usefully clarify what is meant by public transport improvements, e.g. provision of bus lanes, priorities at junctions etc.	<i>This list has been taken from the RUDP and aims to give the reader a brief idea of where contributions could be expended. The latter pages of the document explain what is meant</i>	No change.

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
			<i>by public transport improvements.</i>	
	15.7	SPD could also be explicit in identifying that expectations for public transport improvements include not only physical infrastructure but also improvements to services.	<i>Accepted.</i>	Addition of text. Paragraph 7.3.8
	15.8	Reference could usefully be made to the role of Transport Assessments in identifying the traffic and accessibility impacts of new development and mitigating measures.	<i>The Highways and Other Physical Infrastructure section clearly states that Transport Assessments will be used to identify necessary improvements to the highways and/or transport network.</i>	No change.
	15.9	Trigger Points – the SPD should acknowledge that in some instances the agreed trigger points should be before initial occupation.	<i>The SPD states that it is in the best interest of all parties if contributions are expended at agreed trigger points normally before full occupation, but this will not be the case for all developments and the texts needs to allow for some flexibility.</i>	No change.
	15.10	It may be useful to clarify how to deal with extant planning permissions on vacant land, how long the land has been vacant and whether obligations will be sought for <i>any</i> increase in demand for services, facilities or infrastructure, or for an increase in demand over a certain level.	<i>Extant permission would only be revisited if the scale of development increased and there would be a subsequent recalculation of the obligations being sought through the Section 106.</i>	No change.
	15.11	Geographical Limit to Expenditure – it should be recognised the impacts of larger developments are likely to impact over a larger area than a ward. It would be appropriate to consider accessibility issues in respect of access to key services for disadvantaged communities. Limiting spending to ward boundaries would be incompatible with achieving effective improvements in public transport accessibility.	<i>The SPD does not limit the Council to expending contributions to electoral ward boundaries; it states that this may be the procedure. If it makes more sense to expend contributions over a wider area the Council will consider this but it is important to remember that local people should benefit from any effects of new development. In addition, certain facilities will have a larger</i>	No change.

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
			<i>catchment area, such as football pitches/swimming pool.</i>	
	15.12	Section 5.0 Procedure for Negotiating – the SPD could make reference to DfT's Guidance on Transport Assessments in the pre-application stage.	<i>It is inappropriate to mention a range of documents that are not adopted policies of the Council.</i>	No change.
	15.13	Section 6.0 Monitoring – this refers to possible pooling of public realm contributions. Pooling contributions for transport schemes could also be appropriate. Should this approach be adopted, a methodology for calculating the size of the contribution from a particular development will need to be developed.	<i>Noted. Section 6.0 gives an example of pooling contributions for public realm. It is accepted the funds could be pooled for other types of projects.</i>	Insert additional text in Highways, Physical Infrastructure & Travel. Paragraph 7.3.4
	15.14	Areas for Intervention – the reference to 'just some examples' and the list being not exhaustive leaves the SPD open to criticism or ambiguity. Can the SPD be more explicit?	<i>It is difficult to ensure the SPD is fully inclusive as this may result in a loss of flexibility and will result in an inability to respond to differing local needs if it is deemed more appropriate to seek contributions other than those set out in the SPD.</i>	No change.
	15.15	Community Safety – include reference to the contribution that provision of street lighting and CCTV at bus interchanges and on-street stops can make to improving real and perceived threats of crime. It would be appropriate to seek contributions for such things.	<i>Noted.</i> <i>Please note other comments on this chapter, and resulting deletion.</i>	No change.
	15.16	Highways & Other Physical Infrastructure/Transport & Travel – are complimentary and could be usefully combined.	<i>Accepted.</i>	Amend accordingly. Section 7.3
	15.17	Reference to seeking contributions towards improving the highways network to 'cope with increased number of vehicles in the vicinity of the development' should also recognise the need for contributions to facilitate the movement of public transport, e.g. bus priority	<i>This type of improvement will come under point vii), in support of the Local Transport Plan. It is important that this section does not become over complex and try to cover every eventuality separately.</i>	No change.

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
		measures.		
	15.18	Reference to commuted sum payments to cover future maintenance of new installations (p.15) should explicitly mention maintenance of new bus shelters and Real Time Passenger Information equipment.	<i>These are covered in the Transport and Travel section and are not directly related to provision of typical road infrastructures.</i>	No change,
	15.19	In identifying the Transport and Travel objective of 'easy access to jobs and facilities...' it may be appropriate to explore accessibility standards for access to key services as outlined in the draft RSS.	<i>Noted. This is not an issue that the SPD should address.</i>	No change.
	15.20	The emboldened box (p.18) lists a number of provisions which 'may' be sought. This provides a degree of ambiguity. Perhaps consideration could be given to some improvements that 'will' be sought as a minimum requirement.	<i>It is inappropriate to state what "will" be sought. An obligation are sought on an application by application basis and by stating that certain measures will be sought, gives an impression of public transport measures having priority.</i>	No change.
	15.21	The Audit Commission's document recommends that Councils should draw on the experience of councils in similar circumstances. In adopting a similar approach to Leeds City Council, there would be a significant benefit to developers in a consistency of approach.	<i>The Member Working Group that looked at the planning obligation process in the District looked at examples of best practice, as did the planning officers that prepared the draft document.</i>	No change.
16.0	16.1	We would like to see Parish Plans considered as well as Area Committee Action Plans which are not fully inclusive.	<i>Noted.</i>	Add to text. Paragraphs 2.7 & 3.11
Ilkley Parish Council	16.2	Affordable Housing The threshold should be reduced to 15 Provision need not be on site but must be local.	<i>PPS3 was published</i> <i>Noted. It is Government's and the Council's preferred approach to encourage affordable housing on site, but we may accept commuted sums but where these are used,</i>	Amend text. Section 7.1 No change.

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
		Allocation must be to local residents first.	<i>they must related to the area where the development is located.</i> <i>When delivering affordable housing, the Housing Service ensures that local people are given priority.</i>	No change.
	16.3	Public Art Parish Council/local opinion must be sought.	<i>Noted</i>	No change.
	16.4	Transport Provision of MetroCards will not encourage the use of public transport. Cannot guarantee that any improvements to bus services will be maintained. Developers should be asked to pay towards provision of additional car parking in town centres.	<i>MetroCards may be requested to lessen the impact of a development on the highways network. Such provision will have a greater effect on encouraging public transport, thereby reducing the impact on the environment than if they were not provided.</i> <i>Noted.</i> <i>The Council's approach in the RUDP is to minimise the number of spaces for new build development and change of use applications particularly in locations such as the city centre and other town and district centres, which are highly accessible by public transport, cycling and walking.</i>	No change. No change. No change.
	17.0	17.1 No development should be permitted whatsoever on a site of ecological importance.	<i>In line with the RUDP, development will only be accepted on sites of ecological importance if the reasons for development clearly outweigh the nature conservation value of the site. A planning obligation will be entered into to ensure the protection and enhancement of the site's nature conservation interests.</i>	Re-emphasise this issue in the SPD. Section 7.4
Susan Stead (Bradford Urban Wildlife Group)				

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
	17.2	Mitigating factors do not actually mitigate an effect on the environment, habitats always suffer. Need to place nature conservation and protection of biodiversity at the top of the agenda.	<i>The Sustainability Appraisal looks at environmental, economic and social objectives and does not rank any above the others. The SA report looks at the relationship between the objectives and the effect of implementing the document on these sustainability objectives.</i>	No change.
	17.3	There seems to be no desire to conserve our heritage and countryside in the Aire Valley.	<i>The RUDP contains an up-to-date and comprehensive suite of policies to protect the natural and built environment. The Sustainability Appraisal Report looks at the impact of any policy on the sustainability objectives set down in the sustainability framework.</i>	No change.
18.0 Bradford Property Forum	18.1	Setting out the requirements that will be sought through planning obligations through the SPD is a positive step towards achieving certainty and clarity.	<i>Supporting comment.</i>	No change.
	18.2	It is not clear whether all Areas for Intervention (requirements) will be sought for a single development or whether the specific requirements will be negotiated on a site by site basis.	<i>Noted.</i>	Provide clarity. Paragraph 2.8
	18.3	The SPD is not location specific. Bradford is very diverse and priorities will differ depending on the location.	<i>Noted. The SPD cannot address all eventualities; planning obligations should be related to the development, therefore it is not appropriate to specify contributions for specific locations.</i>	No change.
	18.4	Requirements and obligations sought for a city centre site may be more extensive than for a rural site. This does not reflect the level of risk in bringing forward a city centre development and will further reduce confidence in the city centre market.	<i>Noted. All guidance in the SPD is based on higher level RUDP policies and so there are no additional requirements put on developers. All are the starting point for negotiation and if developers feel the scheme will be unviable with a planning obligation they should provide</i>	No change.

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD		Bradford MDC Response	Outcome
			<i>a viability appraisal.</i>	
	18.5	The SPD seeks to secure CCTV through planning obligations. Bradford Property Forum consider that id there is a focus on good quality design to design out crime, there should be no need for CCTV.	<i>Noted.</i> <i>Please see changes to this section as a result of other comments.</i>	Delete Community Safety section. Section 7.0
	18.6	Should a developer have to pay for known/existing transport infrastructure problem? This may lead to sites not coming forward. A transparent mechanism that seeks contributions proportional to the direct incremental increase a development will cause is therefore necessary.	<i>In line with Circular 05/05, 'obligations should not be solely used to resolve deficiencies in infrastructure provision or to secure contributions to the achievement of wider planning objectives that are not necessary to allow consent to be given for a particular development'. Developers will be asked for contributions towards the upgrading of infrastructure which is needed as a result of their development.</i>	No change.
19.0 Bradford Centre Regeneration	19.1	We welcome the principle that an independent appraisal may be called but this section gives no information on how this is to be carried out, by whom or when such a request may be triggered.	<i>As we are not encouraging the submission of an appraisal, this should be a last resort; the detail does not want to be exhaustive.</i>	No change
	19.2	Page 10 – re overage. At the end of the first sentence 'affordable housing' should be replaced by 'the required element of the S106 obligation'. This is to remove the emphasis on affordable housing – there are many other suitable candidates for contributions.	<i>Noted. Please see other comments which has resulted in this section being deleted.</i>	Delete this section. Section 7.1
	19.3	The SPD should give clear guidance on priorities for spending in key regeneration areas. BCR welcomes the reference under Public Realm that contributions from development within the URC boundary will be pooled and expended against an agreed strategy but the SPD does not make clear that these contributions should take precedence over other demands for funding.	<i>This SPD will not ring-fence S106 monies as obligations should be determined on a case by case basis.</i>	No change.

Consultee (Name/Organisation)	Representation(s) to Draft Planning Obligations SPD	Bradford MDC Response	Outcome
	<p>19.4 The SPD does not go far enough in giving guidance on the mechanism required to implement policy. There is a need for a series of supplementary guidance documents to give advice on how the policy will be implemented. There is an urgent need for a detailed document on public realm contributions for the city centre which would cover:</p> <ul style="list-style-type: none"> • a list of schemes in current programmes to which contributions will be applied; • a scale of contributions according to the type of development, floor space or costs; • a clarification on policy with regard to large schemes that provide a substantial public space as part of the scheme. 	<p><i>Noted.</i></p> <p><i>The Strategic Director (Regeneration) agrees the preparation of a strategy for the expenditure of S106 funds on city centre public realm as agreed with BCR and other relevant partners. This will form supplementary guidance to that set out in Section 7.7.</i></p>	<p>Clarify text.</p> <p>Section 7.7</p>

REPRESENTATIONS RECEIVED FOR SUSTAINABILITY APPRAISAL REPORT

Consultee (Name/Organisation)	Representation(s) to Sustainability Appraisal Report for Draft Planning Obligations SPD	Bradford MDC Response	Outcome
English Heritage	Page 8, Para 4.2 – There is a requirement that the SA Report details the Baseline Information collected. If this Section is limited to simply providing links to where this information can be found, then it should detail specific cross-references to those other documents (and where they can be viewed/obtained).	<i>Noted.</i>	Comments to be incorporated into the Final SA report.
	Page 21 Para 5.4/5.5 – It is impossible to identify which of the dots on these tables relates to “no relationship or significant impact” and those which might have a “significant beneficial effect”.	<i>Noted.</i>	Comments to be incorporated into the Final SA report.
	Page 25, Table under 6.1 – It is not clear what the dots identify. Presumably, the tick indicates a positive relationship between the objectives.	<i>Noted.</i>	Comments to be incorporated into the Final SA report.
Yorkshire Forward	It is important that the appraisal process is balanced and takes account of environmental, economic and social objectives. Therefore, it might be helpful if the Local Authority were to increase the number of Economic Objectives to recognise the aims and objectives of the Sub Regional Investment Plan, which seeks to ‘ <i>Develop skills to create wealth and better employment opportunities. Improve knowledge creation in public, private and voluntary/community sectors. Promote e-commerce, new technology, financial services, cultural industries, and revitalise established employment base</i> ’.	<i>This Sustainability Appraisal was undertaken with the sustainability objectives used to appraise the Replacement UDP; it was felt more appropriate as the SPD is linked to a higher policy of the RUDP. This ensured consistency.</i>	This comment has been passed to officers working on the preparation of the Sustainability Appraisal of the Core Strategy.
	In addition, it may be helpful to include the Regional Economic Strategy (2006-2015) in the relevant plans and programmes section.	<i>Noted.</i>	Comments to be incorporated into the Final SA report.

Sport England	Section 4, Para 4.1 makes no reference to the Yorkshire Plan for Sport. It is a regionally significant document as it seeks to advance increased public participation in sport and physical activity to improve health of residents.	<i>Noted.</i>	Comments to be incorporated into the Final SA report.
	SA table, under Para 4.1 which relates SA Objectives against SPD objectives could under Section C Social Progress, have also used public participation in physical activity and health-based indicators to demonstrate reduction in health inequalities by provision of high quality open space, sport/recreation facilities.	<i>Noted. The appraisal was carried out against the sustainability objectives used for appraising the RUDP.</i>	Comments will be incorporated into preparation of the SA objectives for the LDF.
	Use of such indicators could have fed into the Annual Monitoring Report to measure the success of Planning Obligations. Were this document reviewed, the opportunity to apply Sport England Key Performance Indicators might prove useful.	<i>Noted. This document will be monitored through the Annual Monitoring Report (AMR).</i>	No change.
	Para 5.11 and the table in Section 6.1 re assessing the effect of economic growth in advancing sustainable development do not seem to fully recognise the negative impact economic growth might have on the natural environment and open space.	<i>Noted.</i>	Comments to be incorporated into the Final SA report.
Bradford and District Chamber of Trade	Sustainability Objectives and Indicators – relating to Employment and Economy, we feel we should express our concern that during the last two/three years, various pockets of industrial/employment land and buildings have been lost for housing developments. We feel we should all take this concern on board to ensure that future entrepreneurs wanting to start up in business will have suitable lane/premises available to achieve their start up business.	<i>Noted. This is an issue for monitoring to highlight the level of perceived reduction in employment space in the city centre. The issue will be addressed in the LDF, specifically the Core Strategy.</i>	No change.

Susan Stead (on behalf of Bradford Urban Wildlife Group)	<p>Page 6 - Relevant Plans and Programmes – reference to Planning Policy Guidance 13 – Transport –to promote sustainable travel and reducing the need to travel especially by car. Why then is the Council putting forward a possible bypass for Saltaire – this will destroy Hirst Wood and the valley's biodiversity to encourage more car use. This is in direct conflict with the Sustainability Criteria on p.15 (to conserve important wildlife habitats).</p>	<p><i>The SPD is not proposing the Saltaire bypass. Any such scheme would need to be subject to an Environmental Impact Assessment (EIA), and the relevant Plan would also be subject to a Sustainability Appraisal.</i></p>	<p>No change.</p>
-----------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------

APPENDIX 3 – OTHER CONSULTEES

Bradford Councillors	British Waterways
Bradford MPs & MEPs	British Wind Energy Association
	Bryant (Taylor Woodrow)
A A Planning Services	Burnett Planning & Development
A Khawaja Architectural Services Limited	Caddick Development
Accent Group Ltd	Calder Architectural Services Limited
Aireborough Planning Services	Campaign For Real Ale
Airedale Partnership	Carter Jonas
Aldersgate Estates Ltd	CB Richard Ellis Ltd
Al-Farouq Associates	Chris Thomas Ltd
Allison And MacRae	City Lofts Development
Ancient Monuments Society	Clear Designs
Asquith Properties	Council for British Archaeology
Baildon Community Link	Countryside Properties (Northern) Ltd
Banks Long & Co	CPRE
Barton Willmore Planning Partnership	Craven Design Partnership
Beckwith Design Associates	Crosby Lend Lease (Yorkshire) Ltd
Ben Bailey Homes	Dacre Son And Hartley
Ben Rhydding Action Group/Save Us Pub	David Beighton Architects
Beverley Green	David Wilson Estates
Bioregional Quintain Developments	Depol Associates
Blue Room Properties	DevPlan UK
Bob Jarman	Dialogue Communicating Planning
Bradford & Northern Housing Association	DLA Architecture
Bradford Botany Group	Donaldsons LLP
Bradford Centre Regeneration	DPDS Consulting Group
Bradford Chamber of Commerce	Drawtech
Bradford Civic Society	DTZ Piedad Consulting
Bradford Community Housing Trust	Eddisons Commercial
Bradford Diocesan Office	Eric Barraclough
Bradford District Chamber of Trade	Eric Breare Design Associates
Bradford Ornithological Group	F And W Drawing Services
Bradford Property Forum	Farrell and Clark
Bradford Retail Action Group	First Bradford
Bradford Urban Wildlife Group	Four Square Drawing Services
Bradford Vision	G R Morris Town Planning Consultant
Brewster Bye Architects	Garbe Real Estate Ltd

George Wimpey Northern Yorkshire Ltd	Nuttall Yarwood And Partners
Goitside Regeneration Partnership	Oltergraft Planning Services
Goldfinch Estates Ltd	Omega Design
GP Planning And Building Services	P M Coote
Gregory Properties	Parkgate Design
GVA Grimley	Paul & Co
Hackney Carriage Proprietors Association	Peacock and Smith
Halliday Clark	Penny Trepka
Ham Group	Persimmon Homes (West Yorkshire)
Haslam Homes	Piccadilly Estate Management Ltd
Hayes Dobson Developers Limited	Planet Design Group
HJ Banks and Co Ltd	Planning Inspectorate
Home Builders Federation	Planning Potential
Housing Corporation	Planning Prospects Ltd
How Planning	Plot of Gold Ltd
Indigo Planning Ltd	PPG Land Ltd
Inland Waterways Association	Priority Sites Ltd
J C Redmile	Railtrack Property
J O Steel Consulting	Regen 2000
J R Wharton Architect	Rev Sarah Groves
Kelly Architectural Design	Rev. John Nowell
KeyLand Developments	Robinson Group
Land & Development Practice	Royal Town Planning Institute
Landmark Development Projects (2000) Ltd	Royds Community Association
Landtask	RPS
Langtree	RSPB (Northern England region)
Learning and Skills Council	Sanderson & Weatherall
Leeds Friends of the Earth	Simon Estates Ltd
Leith Planning Ltd	Skipton Properties
Littman Robeson	Society for the Protection of Ancient Buildings
Manningham Housing Association	Spawforth Planning Associates
Manor Property Group	Sport England
Maple Properties	St Aidan's Catholic Church
Marilyn Brichard	St James Securities Ltd
Mark Brearley & Co Chartered Surveyors	Star Keys Estate Agents
McGinnis Development	SWG Planning Services
Mobility Planning Group	The Abbeyfield Society
Newmason Properties	The Emerson Group
North Country Homes Group Ltd	The Garden History Society
Npower Renewables	The Georgian Group

The Mall Corporation	Walton & Co
The Theatres Trust	Webb Seeger Moorhouse Partnership Limited
The Twentieth Century Society	West Yorkshire Archaeology Advisory
The Victorian Society	West Yorkshire Ecology
Transport 2000	West Yorkshire Passenger Transport Executive
Trident	West Yorkshire Police Crime Prevention
Turner Associates	Westfield Shoppingtown Ltd
Turner Developments	Woodhall Planning & Conservation
Urban Splash	Working Architects Co-Op Limited
Vincent and Gorbing Ltd	Yorkshire Planning Aid
VJ Associates	Yorkshire Wildlife Trust

2.0 Statement of Sustainability Appraisal

INTRODUCTION

1. Article 9 of the European Directive (2001/42/EC), known as the Strategic Environmental Assessment (SEA) states that on adoption of a plan or programme (in this case a Supplementary Planning Document), a statement should be prepared setting out how environmental considerations have been integrated in to the Plan (the SPD). This is also reflected in the guidance document produced by the ODPM in 2006 'Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents', and the PPS12 Companion Guide. The statement should also include how the SPD has changed as a result of the appraisal process and the responses to the consultation; or why no changes were made. It should also include information on how the monitoring of the implementation of the document will be carried out.
2. This report satisfies the requirements of the European Directive and Government legislation and regulations as set out above.

INTEGRATION OF ENVIRONMENTAL CONSIDERATIONS

3. The Sustainability Appraisal is an iterative process, and continual appraisal of the effects of the SPD enables identification of areas where the SPD can be strengthened to ensure it achieves the sustainability objectives.
4. The Sustainability Appraisal process was undertaken during preparation of the SPD, and the representations received on both the draft SPD and the Sustainability Appraisal, have resulted in a change to the amended SPD (as adopted).
5. The sustainability objectives used to appraise the draft SPD contained an objective regarding the encouragement of the use of public and green transport and promotion of the provision of facilities for cyclists and pedestrians. Changes were made to the SPD to ensure that the Council are able to seek planning obligations for the provision of such facilities. This will have a beneficial effect on the environment, through enhancing air quality; it

will also improve health and well being by encouraging people to take more exercise.

CONSULTATIONS

6. Consultation was carried out on the Sustainability Appraisal Scoping Report in January 2007 with the statutory consultees.
7. Consultation on the draft SPD and Sustainability Appraisal Report was carried out for six weeks between April and May 2007.
8. Nineteen representations were received on the draft SPD, and a further five representations were received on the Sustainability Appraisal Report.
9. All comments have been analysed and the Council has provided a response to every one, as well as indicating changes to the SPD. The summary of representations and details of the consultation can be found in the Statement of Consultation.
10. Amendments were made to the SPD in response to comments made, but none were considered so great as to result in the document being reappraised. Many of the amendments related to provision of greater clarity especially on the Council's approach to the use of planning obligations and the role of Section 7.0 of the Supplementary Planning Document which sets out the type and level of contributions which may be sought.

SELECTION OF THE ADOPTED SPD

11. During the production of the SPD and Sustainability Appraisal, two options were considered, the first was production of the SPD, and the second was the "business as usual" approach.
12. If the SPD was not prepared, those involved in the determination of planning applications, would have to rely on the generality of national, regional and local planning policy. The absence of an SPD would adversely affect the implementation of the policies on the Replacement UDP, offer less certainty

of stakeholders, and allow the Section 106/278 process to remain complex, slow and inconsistent.

13. Adoption of the SPD would provide further information and guidance to all participants in the development control process and therefore help to implement the policies of the Replacement UDP.

MONITORING

14. Monitoring of the implementation of the SPD will be incorporated into the Annual Monitoring Report. This Report will give an indication of the performance of the SPD and contains key indicators such as the number of affordable housing completions, and the amount of open space managed to Green Flag Award standard. It is anticipated that more targets will be identified in the future. Effective monitoring will allow the Council to identify any issues with the SPD and will enable any work to improve the SPD to be carried out.

CONCLUSION

15. The Supplementary Planning Document for Planning Obligations has been prepared and has developed simultaneously with the sustainability appraisal of the effects of implementing the SPD. It has been concluded that its implementation will, overall, have a positive impact on achieving the sustainability objectives. Monitoring of the effects of the SPD will highlight any areas where it is felt the SPD is not working properly and is resulting in negative effects, and where review of the document is needed.

Produced by the
City of Bradford Metropolitan
District Council

Local Development
Framework Group

October 2007

City of Bradford MDC

www.bradford.gov.uk