



Achieving Positive Planning through the use of Planning Obligations



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Improvements to Redland Park funded through obligations secured from nearby residential development.



INTRODUCTION

New development often creates a need for additional or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. Planning obligations are the mechanism by which measures are secured to enhance the quality of both the development and the wider environment. This Supplementary Planning Document (SPD) will help to ensure that development makes a positive contribution to sustainable development providing social, economic and environmental benefits to the community as a whole.

A planning obligation is a legally binding agreement entered into between a Local Authority and a developer. It requires the developer to carry out certain works, or to provide, or contribute towards the provision of, measures to mitigate the negative impacts of their development and to ensure that it makes a positive contribution to the communities within which it is situated.

The SPD comprises two parts. Part One sets out the Council's overall approach to planning obligations; and Part Two details the policy justification, threshold and where relevant, the formulae used to calculate the appropriate level of obligation for the various areas where the Council may wish to seek obligations. It also refers to a number of other SPDs produced by the council, which provide further detail in relation to some of the obligation types covered in this SPD, particularly Affordable Housing and Economic Contributions from New Development.

PART ONE

Purpose of the SPD

This SPD sets out the City Council's approach to planning obligations when considering planning applications for development in Bristol. It complements and provides further guidance to the policy approach set out in the saved Bristol Local Plan (Adopted December 1997) and is consistent with the First Deposit Proposed Alterations to the Bristol Local Plan (February 2003). It is expected that the SPD will remain consistent and in conformity with emerging Local Development Plan Documents comprising Bristol's Local Development Plan Framework.

The objective of the SPD is to provide clarity to developers, development control officers, stakeholders and local residents regarding the basis on which planning obligations will be sought. It will assist in securing both local and national objectives in respect of the provision of sustainable development across the City.

The SPD provides advice for all those involved in the submission and determination of those planning applications where planning obligations will be required. It also details the type of obligations that may be required, sets out formulae and thresholds where appropriate and indicates the relative importance that the Council places on the varying types of obligation.

Status of the SPD and its use in the decision making process

Proposals for development that may require the provision of planning obligations should be made in accordance with the relevant policies of the Adopted Bristol Local Plan and the SPD, which constitutes an important material consideration in the decision making process. The SPD is one of a number of documents identified in Bristol's Local Development Scheme (LDS) (March 2005) and its inclusion in the LDS confirms its material significance in the determination of planning applications.





The SPD has been prepared in accordance with PPS12 – Local Development Frameworks (2004) and the associated Town and Country Planning (Local Development) (England) Regulations 2004. Bristol City Council is currently preparing its Local Development Framework and consequently the Adopted Bristol Local Plan (1997) and its policies will be “saved” for a period of three years until it is replaced by Local Development Documents.

As any proposal that may require the provision of planning obligations will require the consideration of a number of planning issues, a variety of the saved policies in the Adopted Bristol Local Plan will apply. The SPD supplements, in particular, the following policies:

- NE12 – Open Space: Creation and Enhancement
- M1 – Transport Development Control Criteria
- M15 – Parking: Commuted Payments
- EC10 – Community Benefit from Economic Development
- H6 – Community Benefit from Residential Development
- H9 – Affordable Housing to meet Local Needs
- L2 – Open Space: Children’s Play / Amenity Space
- L10 – Arts and Entertainment: Public Art
- CC7 – City Centre Pedestrian Links
- CC8 - City Centre Streets for People

It is considered that the SPD is in conformity with these saved policies and consistent with national policy.

Policy IN1 – “Achieving Positive Planning” of the Proposed Alterations to the Bristol Local Plan (2003) demonstrates the City Council’s commitment to providing an explicit planning obligations policy and is likely to be included within a future Development Plan Document. On adoption this policy would replace the Adopted

Bristol Local Plan policies above, as the primary Development Plan reference. Consequently, it is considered reasonable and appropriate to include reference to Policy IN1 within the SPD for information and contextual purposes. It should be noted that Policy IN1 is broadly consistent with policies in the Adopted Bristol Local Plan.



On-site affordable housing provided as part of an open market housing development in Bedminster

Consultation

The SPD was issued for consultation between 4 January 2005 and 18 February 2005. Submissions have been carefully considered and have informed the amendments undertaken. A Statement of Consultation is included in the volume of Supporting Documents to this SPD, along with schedules containing comments received and the Council’s response to those comments.

Sustainability Appraisal

The Planning and Compulsory Purchase Act 2004 requires that Supplementary Planning Documents are subject to a Sustainability Appraisal. This process is intended to improve plan making through the better integration of sustainability objectives into plan preparation.

Sustainability Appraisal is also required to incorporate the requirements of the European



Union Directive 2001/42/EC on Strategic Environmental Assessment unless, as in the case of this document, preparation on the SPD began before the Directive came into force (21 July 2004).

A full account of how this SPD was assessed for sustainability is set out in the Sustainability Appraisal contained in the volume of Supporting Documents.

National Policy Context

The legislative framework for planning obligations is set out in Section 106 of the Town & Country Planning Act 1990, as amended by Section 12 of the 1991 Planning and Compensation Act. Further guidance is contained in PPS 1 (Delivering Sustainable Development), and detailed advice into the use of planning obligations is set out in Office of the Deputy Prime Minister (ODPM) Circular 05/2005 (Planning Obligations). This was issued on 18 July 2005 and supersedes Circular 1/97, the previous planning obligations circular.

Circular 05/2005 sets out the following tests that must be satisfied in order for obligations to be required:

1. the obligation must be necessary to make the proposed development acceptable in planning terms;
2. the obligation must be relevant to planning;
3. the obligation must be directly related to the proposed development;
4. the obligation must be fairly and reasonably related in scale and kind to the proposed development;
5. the obligation must be reasonable in all other respects.

PPS1 requires Planning Authorities to ensure that social inclusion, economic development, environmental protection and the prudent use of resources are at the forefront of policy making and implementation.



Major mixed-use development sites, such as this one in Canons Marsh, contribute towards a wide range of planning objectives through the use of planning obligations

In addition, specific guidance regarding the importance of the use of planning obligations to deliver affordable housing is contained in PPG3 (Housing) and Government Circular 6/98 (Planning and Affordable Housing).

The 2004 Planning and Compulsory Purchase Act does not formally address planning obligations but leaves open the option to update Section 106 through secondary legislation. Circular 05/2005 advises that Local Planning Authorities should include high level planning obligations policies in their Local Development Frameworks, with the detail being set out in a Supplementary Planning Document. It is considered that the approach undertaken in respect of SPD 4 is consistent with the advice given in Circular 05/2005.

Local Policy Context

All the Council's activities are guided by, and should be consistent with, the objectives and priorities set out in the Corporate Plan and Bristol's Community Strategy. The Community Strategy focuses on key challenges such as the promotion of sustainable development, social





inclusion and the renewal of the City's deprived neighbourhoods. It sets out five aims, which are as follows:

- Achieving lifelong learning
- Building a thriving economy
- Strengthening local communities
- Promoting health and wellbeing
- Investing in a sustainable environment

These aims provide a long-term framework for the work of the Council, and planning obligations are set within the context of their delivery.

Obligations will be negotiated with the aim of reducing the negative impacts of development on local communities, achieving sustainable development and enabling improvements to local facilities. In this context, planning obligations should be seen not only as a means of mitigating the impact of a development, but also as a mechanism for achieving positive planning by ensuring that development complements and enhances the social, environmental and economic requirements of its neighbouring communities.

The Council believes that it is important that the views of local communities and their aspirations are given a high level of priority when considering planning obligations. The negotiation of planning obligations will therefore need to acknowledge such views and aspirations. Where appropriate this may be informed by existing policy led aspirations or may be developed through community engagement, e.g. through the production of site specific planning briefs.

Where Neighbourhood or Community Plans come forward and are adopted as SPD by the Council they will be given a high priority, as key policy documents, in informing the obligations required from development proposals within their areas. In addition it is considered reasonable to reflect less formal expressions of neighbourhood concern and aspirations, for example Neighbourhood Renewal Area Action Plans in informing planning obligation negotiations.

Thresholds

Certain types of obligation contain individual minimum thresholds, e.g. affordable housing / education provision etc, below which an obligation of that type will not be sought. However, there is no overall minimum threshold below which obligations will not be sought, as whether an obligation is sought will depend upon the nature, type, location and impact of the proposal.



The Queen Square enhancement scheme was partly funded through the use of planning obligations

City Council approach to location of provision through Obligations

Wherever possible, provision should be made on-site for facilities required through a planning obligation. However, there will be cases where this is neither practicable, appropriate or within the existing Local Plan policy context. In these instances, the Council will require financial contributions towards providing, or contributing towards the provision of, these facilities at an appropriate alternative location.



The City Council will consider the issue of whether facilities are to be provided on or off-site, on a case-by-case basis. However, it is expected that where affordable housing obligations are required, provision will be on-site.

The Council considers that developers may reasonably be expected to pay for, or contribute to the cost of infrastructure, which would not have been necessary but for their development. Negotiation over the level of contributions will take account of the economics of the development, any abnormal costs and other planning objectives that may affect the viability of the proposal. However, the Council also considers that costs incurred in delivering a sustainable, high quality development are to be expected, and should not reduce the ability of the site to contribute towards relevant planning objectives.

Where several developments are proposed in close proximity to each other and the cumulative effect will result in the requirement for new infrastructure, the Council may pool contributions from each of the developments, in order to fund the necessary infrastructure in an equitable way.

Type of Obligations

The following list outlines the type of obligations that may be sought or required by the City Council. It should be noted that the obligations are listed in alphabetical (and not priority) order. The list is also not exhaustive, as other obligations may be sought or required depending upon the individual characteristics of a development proposal.

- Affordable business space provision
- Affordable housing provision
- Community facilities provision (includes meeting rooms, improvements to library facilities, improvements to existing community halls, community use of private facilities, eg health clubs, schools etc)
- Community Forest contributions

- Education facilities provision
- Highway infrastructure works (includes fees for the processing of Traffic Regulation Orders (TRO's))
- Landscape improvements
- Local labour and training Initiatives
- Maintenance payments (relating to obligations for the provision of traffic signals, street trees and recreational facilities)
- Park and ride contributions
- Pedestrian, cycle and public transport improvements
- Plant and wildlife habitat areas conservation and enhancement
- Pollution control contributions
- Public art provision
- Public realm provision
- Recreational facilities provision (includes formal and informal play space, sports provision, open space enhancements)
- Training & Employment fund contributions (includes Childcare provision)
- Travel plans

Priorities

Obligations will be negotiated on a site-by-site basis and the priority given to the differing types of obligation will be at the discretion of the Local Planning Authority. The justification behind the priorities given will be set out in the Planning Officer's report. It will be the result of a balanced judgement, arrived at by taking into consideration a range of policy issues, site characteristics, government guidance and comments received during the development process. Key issues to be considered are as follows:

- Adopted Local Plan Policy





- Adopted Local Development Framework Documents
- PPS3 (Housing) and Circular 6/1998 (Affordable Housing)
- Financial viability of the proposed scheme
- The availability and quality of the surrounding infrastructure and facilities
- Individual site characteristics

This approach will ensure that Circular 05/2005 is applied consistently and that obligations are related to the site from which they are sought.



Homezone scheme partly funded through the development of Temple Quay North

It is not considered appropriate for citywide priorities relating to different development types to be set out in priority order, as circumstances will differ across the city and each development proposal will have its own characteristics, which may make adhering to a prioritised list of obligations inappropriate. However, where obligations are required in order for the development to be acceptable in land use terms, (i.e. obligations relating to the siting of the development), they will be given priority over other obligations.

Examples of obligations required in order for development to be acceptable in land use terms

include the following:

- site access arrangements
- flood remediation scheme
- provision of areas of public realm
- wildlife translocation
- landscape treatment required to screen development

Other obligations sought will reflect the aims of the Community Strategy insofar as they conform to the tests set out in Circular 05/2005. These are listed below (in no particular order of priority) with examples of potential obligations:

Achieving lifelong learning

Examples of potential obligations include; provision of education facilities, contributions towards improvements to library facilities

Building a thriving economy

Examples of potential obligations include; provision of affordable business space, contributions towards local labour and training initiatives

Strengthening local communities

Examples of potential obligations include; provision of improvements to community facilities, provision of Closed Circuit Television, provision of public art, provision of affordable housing

Promoting health and wellbeing

Examples of potential obligations include; contributions towards improvements to play and sports facilities, improvements to parks and public open spaces, contributions towards air quality monitoring

Investing in a sustainable environment

Examples of potential obligations include; travel plans, improvements to pedestrian and cycle routes and facilities, landscape enhancement,



park and ride contributions, improvements to public transport infrastructure, road safety schemes

The policy justification for requiring or seeking the various obligation types is set out in Part Two of this SPD, which contains further guidance including detailed policy background, formulae and thresholds where appropriate, and links to other policy documents.

Drafting of Agreements

Planning Agreements will be drafted by the City Council's Legal Services Team, or by solicitors acting on the City Council's behalf. Developers will be required to pay the Council's costs in drafting the agreement, and a Monitoring Fee equal to 15% of the planning application fee in order to cover the Council's costs incurred in the monitoring of the obligations.

The Council's Legal Services Team has standard wording to cover Financial Contributions, Highway Infrastructure Works, Affordable Housing Provision and the Monitoring Fee, which should enable standard agreements to be concluded quickly in many cases.

Further information can be obtained from the Principal Conveyancing Officer in the Council's Legal Services Team, or the Planning Obligations Project Manager.

Financial Contributions

All financial contributions contained in planning agreements will be index linked (using the Retail Prices Index – all items) to the date of the Committee, or delegated authority approval, with the exception of Park and Ride Obligations which will be index linked to November 1993.

Financial contributions will normally be expected to be paid upon commencement of development (as defined in Section 56 of the 1990 Town and Country Planning Act). However, in exceptional circumstances the payment can be made at

various stages during the development process, for example, upon first occupation.

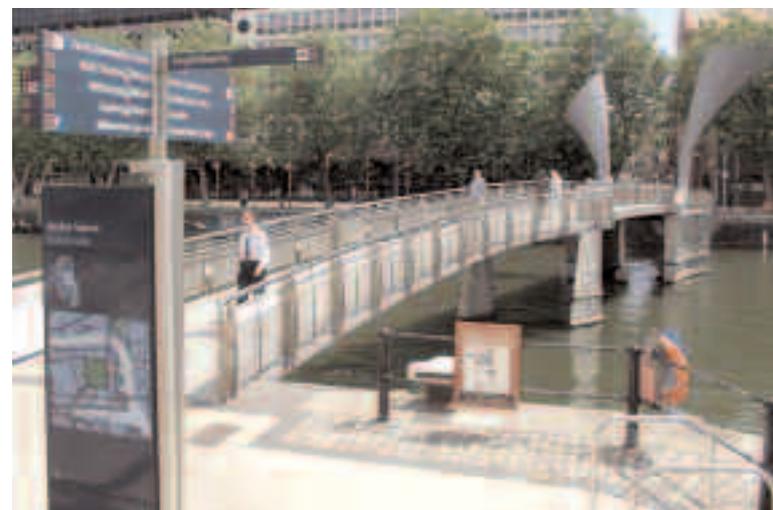
Trigger dates for the payment of financial contributions will be included in the Planning Agreement, as will any time periods by which the contribution is to be spent.

Following receipt by the City Council, financial contributions will be held in interest bearing accounts and will be individually identifiable due to each contribution being allocated a unique finance code. Contributions remaining unspent at the end of a time period specified in the Planning Agreement will be returned to the payee along with any interest accrued.

Monitoring of Obligations

Monitoring of obligations will be undertaken by the City Council's Planning Obligations Project Manager to ensure all obligations entered into are complied with on the part of both the developer and the Council.

Planning Agreement Monitoring Reports will be presented to the Area Development Control Committees on a biannual basis and will detail information relating to Agreements entered into, financial contributions received and the completion of schemes funded from financial contributions.



The construction of Pero's Bridge was secured through the use of planning obligations



PART TWO

Part Two provides further guidance in relation to the above obligation types, including; detailed policy background, formulae and thresholds where appropriate, and links to other Supplementary Planning Guidance (SPG) and SPD.

(i) Affordable Housing

Policy Background

The justification for requiring obligations in respect of affordable housing is set out in Circular 05/2005 (Para B12), Circular 6/98, PPG3, Policy H9 of the Adopted Local Plan and the Council's SPG relating to Affordable Housing (PAN 12 – Adopted January 2001)

Trigger for Obligation

Affordable Housing Obligations will apply to residential developments and will be required from all residential developments containing 25 or more dwellings and of housing sites of one hectare or more in size. The requirement will be for on-site provision, however, in exceptional circumstances and at the Council's discretion, commuted sums for off-site provision may be acceptable.

The following types of residential accommodation will not be subject to Affordable Housing Obligations: very sheltered housing, nursing homes, hostels, student accommodation and other non-self contained residential accommodation, eg, cluster flats.

Basis of Calculation

Bristol City Council Housing Needs and Affordability Model (updated 2001).

Further Information

Detailed information relating to Planning Obligations in respect of Affordable Housing can be found in PAN 12. This is available from the Customer Services Team or on the Council Website: www.bristol_city.gov.uk/planningpolicy.

(ii) Educational Facilities

Policy Background

The justification for requiring obligations in respect of Educational Facilities is set out in Circular 05/2005 (Para B15), and Policy H6 of the Adopted Local Plan.

Trigger for Obligation

Education Obligations will apply to residential developments only and will be required from all developments containing 40 or more dwellings, if the implementation of the development will result in the generation of additional pupil numbers in excess of that which local schools can accommodate. A financial contribution for the provision of off-site facilities will normally be required. However, in exceptional circumstances on-site provision may be required if the size of the development justifies the provision of new education facilities.

Obligations may be required for both Primary and Secondary School facilities, and in exceptional circumstances for Nursery and Special Education facilities.

The following types of residential accommodation will not be subject to Education Obligations: sheltered housing, rest homes, nursing homes, hostels, student accommodation, one bedroom dwellings and studio flats.

Basis of Calculation

The standards used to assess education provision requirements are as follows:

- Nursery Education – 2.5 spaces per 100 eligible dwellings
- Primary Education (age 4 to 10) – 25 spaces per 100 eligible dwellings
- Secondary Education (age 11 to 16) - 20 spaces per 100 eligible dwellings



The cost per school place (as advised by DfES in February 2005) is as follows:

- Nursery and Primary School
£9,136
- Secondary School
£14,346

These figures are specific to Bristol as they include a location factor provided by DfES.

The following is an example using hypothetical figures

Proposal for 50 dwellings of more than one bedroom each.

The requirement would be as follows:

Nursery Places	$(50/100) \times 2.5$	= 1.25 places
Primary Places	$(50/100) \times 25$	= 12.5 places
Secondary Places	$(50/100) \times 20$	= 10 places

Assessment by the Local Education Authority shows that there are sufficient nursery places available in local schools, but only 9 Primary and 6 Secondary places. Therefore the financial contribution would be calculated as follows:

Primary Contribution $(12.5 - 9) \times £9,136$	= £31,976
Secondary Contribution $(10 - 6) \times £14,346$	= £57,384

The total education facilities contribution would be as follows:

$$£31,976 + £57,384 = £89,360$$

The contribution would be subject to index linking as set out elsewhere in this guidance.

Further Information

Further information can be obtained from the Capital and Facilities Manager in the Council's Education Department, or the Planning Obligations Project Manager.

(iii) Recreational Facilities

Policy Background

The justification for requiring obligations in respect of Recreational Facilities is set out in Circular 05/2005 (Para B15), PPG17 and Policies L2 and NE12 of the Adopted Local Plan. The Council is currently preparing "The Parks and Green Spaces Strategy", an open space strategy that will comply with the requirements of PPG17, by assessing the quantity and quality of open space provision throughout the City and setting a local standard. This strategy will enable obligations required for recreational facilities to be directed to the provision of improvements at identified locations both in the vicinity of the development and to strategic recreational facilities throughout the City.

Until the adoption of "The Parks and Green Spaces Strategy" the Council will use National Playing Fields Association Standards when calculating the level of recreational facilities required through a planning obligation.

Trigger for Obligation

Recreation Obligations will apply to residential developments on sites of greater than 0.1 ha in size or containing 10 or more dwellings.

A financial contribution for the provision of off-site facilities will normally be required. However, in exceptional circumstances relating to residential development, on-site provision may be required if a deficiency in the quantity of available facilities is identified in the Parks and Green Spaces Strategy. Where on-site provision is required, the following formula will not be applied. However a maintenance payment covering a period of 15 years, payable upon adoption of the on-site facility, will be required. The level of this payment will depend upon the nature of the facility provided. Where the Council accepts that a proportion of the required facilities can and will be provided on site, a pro rata reduction will be made in calculating the level of the contribution.





Financial contributions secured for the provision of Recreational Facilities may be spent on one or more of the following infrastructure types:

- Parks and Gardens
- Active Sports Space
- Equipped Children’s Play
- Informal Green Space
- Natural Green Space

The following types of residential accommodation will not be subject to Recreation Obligations: rest homes, nursing homes and hostels.

Basis of Calculation

The calculation will be based on the following information:

- Average number of persons per dwelling on a ward basis. This information is taken from the 2001 Census.
- The National Playing Field Association (NPFA) standard for the provision of outdoor recreational space of 24m² per person
- The provision cost per m² of outdoor recreational space.

The average number of persons per dwelling on a ward basis is set out in the following table.

Ward	Average no. of persons / dwelling	Ward	Average no. of persons / dwelling
Ashley	2.21	Henleaze	2.39
Avonmouth	2.33	Hillfields	2.43
Bedminster	2.20	Horfield	2.40
Bishopston	2.50	Kingsweston	2.40
Bishopsworth	2.41	Knowle	2.46
Brislington East	2.30	Lawrence Hill	1.89
Brislington West	2.37	Lockleaze	2.49
Cabot	1.96	Redland	2.35
Clifton	1.98	Southmead	2.47
Clifton East	1.95	Southville	2.08
Cotham	2.16	St. George East	2.34
Easton	2.20	St. George West	2.22
Eastville	2.24	Stockwood	2.44
Filwood	2.56	Stoke Bishop	2.27
Frome Vale	2.21	Westbury-on-Trym	2.23
Hartcliffe	2.43	Whitchurch Park	2.44
Henbury	2.20	Windmill Hill	2.18
Hengrove	2.38		

In all cases the calculation is to be based upon the net increase in population. Thus the theoretical demand generated by any existing dwellings to be lost is deducted from the demand generated by the proposed dwellings.

The cost of the provision and maintenance of 24m² of outdoor recreational space in Bristol has been calculated at £2,367.18 based on the actual costs of the provision of facilities within the city. However it is considered reasonable to reduce this figure by 50% to reflect the fact that the obligation is not intended to enable the provision of new facilities but to improve and enhance existing ones to ensure they cater for the increased demand.

The composition of the 24m² per person NPFA standard and the cost of provision and maintenance (including the 50% reduction) is set out in the following table.

Achieving Positive Planning through the use of Planning Obligations



Recreational Facility Type	NPFA standard / m ²	Bristol rate / m ²	Contribution / person
Parks and Gardens	4	£70.60	£282.40
Active Sports Space Equipped	12	£37.79	£453.48
Children's Play	2	£190.71	£381.42
Informal Green Space	3	£12.30	£36.90
Natural Green Space	3	£9.80	£29.40
		TOTAL	£1,183.60

The following is an example using hypothetical figures.

Proposal for 22 dwellings in Windmill Hill Ward.

Number of persons generated		
22 x 2.18	=	47.96
Cost of provision per person	=	£1,183.60
Contribution for 47.96 persons		
(£1,183.60 x 47.96)	=	£56,765.46

The contribution would be subject to index linking as set out elsewhere in this guidance.

Further Information

Further information can be obtained from the Council's Parks Business Team, or the Planning Obligations Project Manager.

(iv) Landscape Schemes

Policy Background

The justification for requiring obligations in respect of Landscape Schemes is set out in Circular 05/2005 (Paras B15 and B19) and Policy NE11 and B7 of the Adopted Local Plan.

Trigger for Obligation

Landscape Scheme obligations could be applied to any development type, irrespective of size, and consequently there is no trigger below which an obligation will not be required.



Street trees on Temple Way secured through the use of planning obligations

Arrangements for fulfilling Obligation

In general, this type of obligation will be used where a Landscape Scheme is required to screen a development or to integrate it into the surrounding area, and where the Council wishes to have the Landscape Scheme transferred to its ownership once it is in an adoptable condition. The requirement will be for the developer to implement the scheme, which would then be transferred to the Council once it was in an adoptable condition. Upon transfer a commuted maintenance payment will be required.

The arrangements will be as follows:

- Development is not to commence until the developer has submitted to, and received written approval of, a Landscape Scheme, from the Landscape Officer.
- Developer to implement the approved Landscape Scheme, and upon substantial completion will arrange a joint site inspection with the Community Parks Manager for the area within which the site lies. Once the Community Parks manager has confirmed that the scheme is acceptable a Certificate of Practical Completion will be issued and a 12 month maintenance period will commence.
- At the end of the maintenance period a further joint site inspection will be undertaken. Subject to any defects being satisfactorily remedied a Certificate of





Adoption will be issued. Upon the issue of this Certificate the Landscape Scheme will be transferred to the Council and a commuted maintenance payment will become payable.

Basis of Calculation

The maintenance payment will be to cover a period of 15 years. The payment will be calculated using either:

- The annual maintenance unit rates in place at the time of completion of the Planning Agreement. These rates will be set out in the Planning Agreement. The maintenance payment will be index linked to take into account inflation that may occur prior to the receipt of the payment, or
- The annual maintenance unit rates in place at the time the Certificate of Adoption is issued.

The annual rate will be calculated and then multiplied by 15 to provide the final figure required to cover 15 years maintenance.

The following is an example using hypothetical figures:

Landscaping Scheme of 18m² containing 11m² of shrubs and 7m² of grass.

Annual unit maintenance rate is £2 per m² of shrubs and £1 per m² of grass.

Annual Maintenance Payment = (£2 x 11) + (£1 x 7) = £29

Basic 15 Year Maintenance Sum = £29 x 15 = £435

The contribution would be subject to index linking as set out elsewhere in this guidance.

Further Information

Further information can be obtained from the Council’s Landscape Design Team, or the Planning Obligations Project Manager.

(v) Travel Plan Initiatives

Policy Background

The justification for seeking obligations in respect of Travel Plan Initiatives is set out in Government Guidance PPG13 (Transport) published in March 2001, and the ODPM Best Practice Guide titled “Using the planning process to secure travel plans” (July 2002). The Council’s approach, which is set out in Policies IN1 and M1(II) of the First Deposit Alterations, is considered to be in accordance with PPG13.

Further guidance relating to the City Council’s approach to Travel Plans is set out in the Council’s emerging Draft Internal Officer Guidance to Policy M1 of the Bristol Local Plan. It should be noted that this is currently a good practice note and carries no weight in determining planning applications.

Trigger for Obligation

Travel Plan Initiatives will be sought in line with the guidance provided in Paragraph 89 of PPG 13. In addition, major residential developments may also be required to enter into obligations relating to Travel Plan Initiatives.

Basis of Calculation

In general, Travel Plan obligations will require occupiers of developments to undertake a staff travel survey and implement and monitor a staff travel plan. However, on occasion, direct financial contributions may be sought through obligations relating to Travel Plan Initiatives. Situations where these contributions may be sought are detailed in paragraph 3.5 of the Draft Internal Officer Guidance.

Further Information

Further information relating to Travel Plans and the Council’s Draft Internal Officer Guidance are available from the Transport Planning Team.



(vi) Park and Ride Facilities

Policy Background

It should be noted that this section is included in the SPD for the sake of completeness only, as both the policy and formula used for calculating commuted payments are also set out in the Adopted Local Plan.

The justification for requiring obligations in respect of Park and Ride Facilities is set out in Circular 05/2005 (Para B15) and Policy M15 of the Adopted Local Plan.

Trigger for Obligation

Park and Ride Obligations will apply to office developments within the Bristol Inner Parking Zone only. There is no minimum threshold below which Park and Ride Obligations will not be sought.

Basis of Calculation

The box below is a direct reproduction of a proportion of the Schedule in the Adopted Local Plan that sets out the formula used for calculating Park and Ride Obligations.

Each employee is assumed to occupy 20m² gross of floor space. Based on the current mode share for a.m. peak car journeys into the inner area, and a 1.38 occupancy rate it can be assumed that 42% of employees will seek to travel to work in their own car. Consequently the total car-parking requirement is calculated as 42% of the total employees. Commuted payments will be levied at a rate which reflects the capital cost of providing each park and ride car parking space. This figure will be subject to index linking.

EXAMPLE: B1 PROPOSALS FOR 5000M²

5000m² gross floor space = 250 employees
 20m² floor space per employee

250 employees @
 42% in their own cars = requirement for
 105 car spaces

Car parking standard
 @ 1 per 200m² = 25

Commuted payment = (105 - 25) x £2,000
 = £160,000

All Park and Ride obligations are to be index linked to November 1993.

Further Information

Further information can be obtained from the Bristol Local Plan (Adopted December 1997) or the Planning Obligations Project Manager.



Portway Park & Ride site





(vii) Highway Infrastructure Works (including fees for processing Traffic Regulation Orders (TRO's))

Policy Background

The justification for requiring obligations in respect of Highway Infrastructure Works is set out in Circular 05/2005 (Para B15) and Policy M1 (ii) of the Adopted Local Plan.

Trigger for Obligation

Obligations in respect of Highway Infrastructure Works will be required where there is a requirement to improve existing, or construct new, highway infrastructure in order to access the development in a safe and appropriate manner. Consequently there is no trigger below which a Highway Infrastructure obligation will not be required and there are no types of development that would be exempt from Highway Infrastructure obligations.

Arrangements for fulfilling Obligation

The requirement will be for the developer to implement the agreed Highway Infrastructure Works, which will then be adopted by the Council once they are in an adoptable condition.

The arrangements will be as follows:

- Development is not to commence until:
 - The developer has entered into a bond with an approved surety for an amount specified by the Council, to ensure the Council's position is protected should the developer default in any way with regard to the Highway Infrastructure Works;
 - The developer has submitted and received written approval of detailed engineering drawings setting out the Highway Infrastructure Works. A fee will be payable to cover the Council's costs incurred in approving the engineering drawings.
- The developer is not to occupy the development until the Highway

Infrastructure Works are implemented by the Developer and completed to the point that the Engineer can issue Certificate 1 (Certificate of Substantial Completion).

- The Highway Infrastructure Works will be maintained by the Developer, at their expense, for a period of a minimum of 12 months following the issue of Certificate 1. Following this period and subject to any defects being remedied satisfactorily, the Engineer will then issue Certificate 2 (Certificate of Adoption) and the Council will adopt the highway and become responsible for its maintenance. A fee will be payable to cover the Council's costs incurred in inspecting the Highway Infrastructure Works and issuing the Certificates.



Footbridge linking Temple Quay and Temple Quay North secured through planning obligations

The total fee for drawing approval and inspection of works will be calculated as a proportion of the value of the bond. The calculations are set out in the following table.

Value of Bond	Total Fee Charged as % of bond
Less than £50,000	7% (min. of £1,500)
£50,000 to £99,999	6% (min. of £3,500)
£100,000 to £199,999	5% (min. of £6,000)
£200,000 to £499,999	4% (min. of £10,000)
£500,000 to £999,999	3% (min. of £20,000)
£1,000,000 and over	2.5% (min. of £30,000)



Traffic Signals Commuted Maintenance Payments

If the Highway Infrastructure Works include the provision of new traffic signals, a commuted maintenance payment will be required, which will be payable upon the issue of Certificate 1 (Certificate of Substantial Completion).

The policy justification for this is set out in Circular 05/2005 (Para B19).

Where existing traffic signals are to be upgraded the Commuted Maintenance Payment will not apply.

The maintenance payment will be as follows:

- For a pedestrian crossing with no central reservation £5,000
- For all other signalised crossings / junctions £10,000

This payment covers for 10 years maintenance after which the signals will be maintained at the City Council's expense.

Street Trees Commuted Maintenance Payments

If the Highway Infrastructure Works include the provision of new trees, a Commuted Maintenance Payment will be required where the works result in a net increase in the number of street trees. The payment will be for the number of trees over and above those that were in place prior to the implementation of the development.

The payment will be payable upon the issue of a Certificate of Adoption for the trees. This may not be issued at the same time as the Certificate of Adoption for the remainder of the highway works, due to the need to take into account planting seasons. The policy justification for requiring Commuted Maintenance Payments for Street Trees is set out in Circular 05/2005 (Para B19).

The maintenance payment will be as follows:

- For trees with a circumference of less than 160mm, one metre above Ground level £362.24
- For trees with a circumference of 160mm or more, one metre above Ground level £425.74

The above figures are based on the City Council's 2004/05 arboriculture contract schedule of rates.

TRO Fee

If the Highway Infrastructure Works result in the introduction of new, or the amendment of existing TRO's, a fee of £1,900 will be required to cover the Council's costs in introducing or amending the TRO.

Further Information

Further information can be obtained from the Council's Transport Planning Team, or the Planning Obligations Project Manager.

(viii) Site Specific Measures

Definition

Site specific measures are those obligations required from a particular development which relate specifically to matters not covered through formulae based financial contributions or on site provision. Examples could include:

- Funding of a pedestrian crossing where a residential development is proposed on the opposite side of a heavily trafficked road to the local shops and play facilities.
- Funding of improved public transport facilities where a development generating significant level of trips is proposed on or near a bus route / railway station. The improvements could include improvements to the bus stop / railway station, the street environment within which the bus stop / railway station is located, or hardware/software to enable real-time information to be provided on Showcase Public Transport Routes.





- Funding of improvements to a local community hall where a residential development is located in its vicinity.
- Funding of Air Quality monitoring and mitigation measures where a major development will result in the generation of a significant number of vehicular trips in the vicinity of the site.
- Funding towards the costs incurred in setting up a Car Club, where a residential development that proposed little or no off-street parking is located in an area where there is limited on-street availability.
- Funding towards the cost of long stay coach parking provision from developments such as hotels / stadia / concert halls that attract significant levels of coach borne visitors.

Policy Background

The justification for requiring obligations in respect of Site Specific Measures is set out in Circular 05/2005 (Paras B12 – B16), PPS23 (in relation to Air Quality Issues), Policies EC10, H6 and M1 (vii) of the Adopted Local Plan.



Showcase bus route - Parson Street contra-flow bus lane funded through Planning Obligations

Trigger for Obligation

Site Specific obligations could be applied to any development type, irrespective of size, and consequently there is no trigger below which an obligation will not be required. The obligation must satisfy the policy tests set out in Circular 02/2005 which states that obligations must be “...fairly and reasonably related in scale and kind to the proposed development”. Consequently a relatively small development may be required to contribute a proportion of the cost of delivering the obligation rather than being required to fully fund it.

Further Information

Information regarding Showcase Bus Routes and other bus based public transport is contained in the Council’s Bus Strategy (Adopted July 2003). This can be obtained from the Council’s Public Transport Team.

(ix) Economic Contributions from New Development

Policy Background

The Economy Chapter of the Adopted Local Plan contains a number of references to the need for development to provide employment opportunities and address issues of training and childcare provision. In addition the Council has produced SPD6 relating to Economic Contributions from New Development, which sets out in detail the types of obligations that may be encouraged.

Trigger for Obligation

There is no threshold below which Economic Contributions Obligations will not be encouraged. All development will be encouraged to contribute; either financially, or in kind and this contribution can take a number of forms, as listed below:

- Using best endeavours to use Local Labour during construction phase through the Councils “On-Site” initiative.



- Financial contribution towards the running costs of the “On-Site” initiative.
- Setting up of a Training and Employment Fund to enable local residents to receive appropriate training and gain the skills necessary to obtain employment within the development.
- Provision of childcare facilities to enable local people to attend training, and to make it financially worthwhile for them to gain employment.
- Provision of affordable and flexible business space within the development.

Further Information

Further information can be obtained from SPD6 relating to Economic Contributions from New Development and also from the Council’s Economic Regeneration Team.

(x) Areas of Public Realm

Policy Background

The justification for requiring obligations in respect of the provision of areas of Public Realm is set out in Circular 05/2005 (Paras B15, B16 and B19) and Policies CC7 and CC8 of the Adopted Local Plan.

Trigger for Obligation

Such obligations will generally be required in conjunction with development adjacent to those routes set out on the Local Plan proposals map, relating to Policies CC7 and CC8. The purpose of these policies is to secure pedestrian routes and environmental enhancement in and around the City Centre, Harbourside and Temple Meads area. Consequently, there is no threshold below which obligations in respect of Areas of Public Realm will not be required. The determining factor is location and those development proposals adjacent to a CC7 or CC8 route will be expected to provide the appropriate section of the route and dedicate it as an Area of Public Realm.



New development at Harbourside provides the opportunity to secure areas of public realm through the use of planning obligations

Arrangements for fulfilling Obligation

The requirement will be for the developer to design and construct the Area of Public Realm, which will then be transferred to the Council once it is in an adoptable condition. Upon transfer a commuted maintenance payment may be required where it is considered appropriate, i.e. where there is significant benefit to the development in the area of public realm being implemented.

The arrangements will be as follows:

- Development is not to commence until the developer has submitted to, and received written approval of, a Public Realm Scheme, from the Engineer.
- Developer to implement the Public Realm Scheme, and upon practical completion will arrange a joint site meeting with the Engineer. When the Engineer is satisfied that the scheme is acceptable a Certificate of Practical Completion will be issued and a 12-month maintenance period will commence.
- At the end of the maintenance period a further joint site inspection will be undertaken and subject to any defects being satisfactorily remedied, a Certificate of Adoption will be issued. Upon the issue of this Certificate, the scheme Area of Public Realm will be transferred to the Council and a commuted maintenance payment may become payable.





In exceptional circumstances where it can be demonstrated that it would be neither practical nor appropriate for the developer to provide the area of public realm, a financial contribution will be required to enable the Council to construct and maintain the relevant area of public realm for a period of 15 years.

The level of the financial contribution will vary on a site-by-site basis depending upon the materials to be used and the costs of implementing the areas of public realm.

Basis of Calculation

The maintenance payment will be to cover a period of 15 years. The payment will be calculated using either:

- The annual maintenance unit rates in place at the time of completion of the Planning Agreement. These rates will be set out in the Planning Agreement. The maintenance payment will be index linked to take into account inflation that may occur prior to the receipt of the payment, or
- The annual maintenance unit rates in place at the time the Certificate of Adoption is issued.

(xi) Public Art

Policy Background

Bristol City Council’s Public Art Policy was adopted in October 2000 and is set out in the Public Art Strategy, published in 2003. The Policy and Strategy aim to enhance design and the public’s experience of the built environment. The provision of Public Art within major development schemes is justified as it will improve and enhance the physical and social impact of these developments on the City. Bristol City Council’s Public Art Policy and Strategy are supported by PPS1, which identifies the need for new developments to achieve a high quality of urban design, Policy L10 of the Adopted Local Plan, the Urban Design Compendium (English Partnerships and The Housing Corporation, 2000) and By Design (CABE, 2000).



Funding for a number of Legible City signs across the city has been secured using planning obligations

Trigger for Obligation

The provision of Public Art will be encouraged within the following types of development:

- Residential developments containing 10 or more dwellings or on sites of greater than 0.1ha in size;
- Commercial developments of over 1000m² of industrial, retail, hotel or leisure uses;
- Significant public buildings and community facilities.

Arrangement for fulfilling obligation

The requirement will be for developers to appoint Public Art Consultants, Lead and other Artists to prepare and implement Public Art Plans. These



Plans are to contain details regarding public art commissions. As part of pre-application discussions developers will be encouraged to submit Public Art Plans as part of their planning application, and their implementation will be secured through a planning obligation.

Further Information

Copies of Bristol City Council's Public Art Policy and Strategy and other advice can be obtained from the City Council's Art Project Manager.

(xii) Community Forest Initiative

Policy Background

The justification for seeking obligations in respect of the Community Forest Initiative is set out in Circular 05/2005 (Para B15), PPG17, Policy 21 of the Structure Plan, Policy NE12 and objective 3.3.9 of the Adopted Local Plan and the Council's draft SPG relating to Community Forests titled "Planning and the Forest of Avon – A Guide for Developers".

The Forest of Avon includes the whole of Bristol, however, any Community Forest contributions received would be for specific schemes directly relating to the development site, and would not form part of a commuted fund to be spent on schemes throughout the City.

Trigger for Obligation

Community Forest Obligations will apply to the following type of development proposal:

- Residential developments containing 10 or more dwellings or on sites of greater than 0.1 ha in size.
- Commercial developments of over 1000m² of industrial, retail, hotel or leisure uses.

Community Forest Obligations on occasion may be covered by other obligations negotiated, for example, provision of informal open space (recreational facilities) and provision of street trees (highway infrastructure works).

Basis of Calculation

The approximate costs of the type of facilities that Community Forest Obligations may cover, are set out in the draft SPG.

Further Information

Detailed information regarding Community Forest Obligations can be obtained from the draft SPG, or from the Planning Obligations Project Manager.

(xiii) Library Facilities

Policy Background

The justification for seeking obligations in respect of Library Facilities is set out in Circular 05/2005 (Para B15) and Policy H6 of the Adopted Local Plan.

The Department of Culture, Media and Sport sets Public Library Standards, which all authorities are required to meet. The City Council currently fails to meet a number of the standards, and the development of new housing within the city increases the resource strain on the Council's Library Services.

Trigger for Obligation

Library Facilities Obligations will apply to residential developments containing 40 or more dwellings.

Basis of Calculation

The calculation will be based on the following information:

- Average number of persons per dwelling on a ward basis. This information is taken from the 2001 Census.
- The Bristol requirement for net library floor-space per 1000 population.
- The provision cost per m² of library floor-space.





The average number of persons per dwelling on a ward basis is set out in the following table.

Ward	Average no. of persons / dwelling	Ward	Average no. of persons / dwelling
Ashley	2.21	Henleaze	2.39
Avonmouth	2.33	Hillfields	2.43
Bedminster	2.20	Horfield	2.40
Bishopston	2.50	Kingsweston	2.40
Bishopsworth	2.41	Knowle	2.46
Brislington East	2.30	Lawrence Hill	1.89
Brislington West	2.37	Lockleaze	2.49
Cabot	1.96	Redland	2.35
Clifton	1.98	Southmead	2.47
Clifton East	1.95	Southville	2.08
Cotham	2.16	St. George East	2.34
Easton	2.20	St. George West	2.22
Eastville	2.24	Stockwood	2.44
Filwood	2.56	Stoke Bishop	2.27
Frome Vale	2.21	Westbury-on-Trym	2.23
Hartcliffe	2.43	Whitchurch Park	2.44
Henbury	2.20	Windmill Hill	2.18
Hengrove	2.38		

The International Federation of Library Associations recommends a standard of 42m² of library accommodation per 1000 population, however, Bristol City Council uses a lower figure of 35m² per 1000 population and it is this figure that will be used in the calculation.

The cost of provision per m² for library floor-space within Bristol is £3,000.

In all cases the calculation is to be based upon the net increase in population. Thus the theoretical demand generated by any existing dwellings to be lost is deducted from the demand generated by the proposed dwellings.

The following is an example using hypothetical figures.

Proposal for 40 dwellings in Hillfields Ward.

Number of persons generated		
	40 x 2.43	= 97.2
Requirement per 1000 population		= 35m ²
Cost of provision per m ²		= £3,000
Cost of provision per 1000 population		= £105,000
Therefore; cost of provision per person		= £105
Contribution for 97.2 persons	(£105 x 97.2)	= £10,206

The contribution would be subject to index linking as set out elsewhere in this guidance.

Contributions secured through Planning Agreements will be spent on one or both of the following:

- The provision of new library books;
- Improvement works to the nearest public library to the development.

Further Information

Detailed information regarding Library Facilities Obligations can be obtained from the Head of Library Services, or from the Planning Obligations Project Manager.



Contact Details and Additional Information

Should you require any further assistance or clarification please contact the Planning Obligations Project Manager in the first instance, as detailed below:

Planning Obligations Project Manager
Strategic and Citywide Policy Team
Planning, Transport & Sustainable Development
Bristol City Council
St. Georges Road
BRISTOL
BS1 5UY

Tel: (0117) 903 6724
Email: jim_cliffe@bristol-city.gov.uk

Other contact details that may be of assistance are as follows:

Housing Enabling Team	(0117) 916 5129
Customer Services Team	(0117) 922 3097
Capital and Facilities Manager (Education Dept)	(0117) 922 3384
Parks Business Team	(0117) 922 2113
Landscape Design Team	(0117) 922 3366
Transport Planning Team (Travel Plans)	(0117) 903 6815
Transport Planning Team (Highway Works)	(0117) 903 6844
Public Transport Team	(0117) 922 2930
Economic Regeneration Team	(0117) 922 4275
Arts Project Manager	(0117) 922 3064
Library Services	(0117) 903 7236
Conveyancing Team	(0117) 922 2308

Please note that this SPD is available on the City Council Website:

www.bristol-city.gov.uk/planningpolicy



