



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.

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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







Achieving Positive Planning through the use of Planning Obligations



Supporting Documents

Adopted October 2005





If you would like this information in a different format, for example Braille, audio tape, large print or computer disc, or community languages, please contact the Strategic & Citywide Policy Team on: 0117 903 6724.





Supporting Documents to SPD4

Achieving Positive Planning through the use of Planning Obligations

Introduction

The purpose of these supporting documents is to provide additional information necessary to ensure that the SPD complies with the regulations set out in the Planning and Compulsory Purchase Act 2004. The documents comprise the following information and schedules:

- Statement of Consultation, including
 - Schedule of Comments and Responses (Appendix A)
 - Schedule of Other Amendments (Appendix B)
- Sustainability Appraisal (Appendix C)

The Sustainability Appraisal is attached as Appendix C. It was previously contained in the body of the Draft SPD, however it is more appropriately located in this document, in order to enable the SPD to deal solely with setting out the Council's approach to Planning Obligations.

Statement of Consultation

This Statement of Consultation has been prepared in order to comply with the Town and Country Planning Regulations 2004. It takes the form of the following text and the schedules contained in Appendices A and B.

The Draft SPD was made available for public consultation between 10 January 2005 and 18 February 2005, a period of six weeks.

Consultation was undertaken via the following methods:

- via the City Council Local Plan Current Consultations website
- advertising the Draft SPD in the Bristol Evening Post
- making copies of the Draft SPD available in the City Council Planning Services Reception Area

- offering a consultation event to be held at the City Council offices
- direct mailing to some 180 local organisations, community groups, interested individuals, planning consultants, developers, public organisations etc, inviting comment

A list of the organisations directly mailed is contained below.

Alder King

Ami Goff

Andrew Wotton Associates

Arup

Atis Real Weatheralls

Atkins Consultants Ltd

Avon & Somerset Constabulary

Avon & Wiltshire Mental Health Partnership Trust

Avon Ambulance Service NHS Trust

Avon Fire Authority

Avon Local Council Association

Avon Wildlife Trust

Avon, Wiltshire and Gloucestershire Strategic Health Authority

Avonmouth Community Council

Axa Sunlife

Bath & North East Somerset Council

Barratt Homes

Barton Willmore Town Planning Partnership

Black Development Agency

Bovis Homes South West Region

Bristol & West

Bristol Alliance

Bristol Area SERA Group



Bristol Chamber of Commerce and Initiative	British Retail Consortium
Bristol City Football Club	Bruges Tozer Partnership
Bristol Citywide Forum	BT Group Plc
Bristol Civic Society	Business in the Community
Bristol Community Sport	Business West
Bristol Community Transport	CABE
Bristol Cultural Development Partnership	Castlemore Securities Ltd
Bristol Cyrenians	CB Richard Ellis
Bristol Diocesan Registrar	Charitable Trusts
Bristol Early Years Childcare Partnership	Chesterton Plc
Bristol East Side Traders	City of Bristol College
Bristol Environment Trust	Civic Society
Bristol Friends of the Earth	Clarke Willmott
Bristol International Airport	Clerical Medical
Bristol Meeting Room Trust	Clifton and Hotwells Improvement Society
Bristol NHS Primary Care Trusts	Colin Buchanan & Partners
Bristol Older Peoples Forum	Community Action
Bristol Port Company	Community at Heart
Bristol Property Agents Association	Community Safety
Bristol Racial Equality Council	Connexions
Bristol Rovers Football Club	CPRE
Bristol Rugby Club	CPRE North Somerset District
Bristol Society of Architects	Crest Nicholson (South West) Ltd
Angus Meek Partnership	Crosby Homes
Bristol South & West Primary Care Trust	CSJ Planning Consultants Ltd
Bristol Tourism & Conference Bureau	CSV Avon Training
Bristol TUC	Culture South West
Bristol Urban Villages Initiative	David Maggs
Bristol Visual and Environment Group	David Ralph
Bristol Water	David Wilson Estates



DPDS
Edmund Brooks
Edward Ware Urban Renewal Ltd
English Heritage SW
English Nature
English Partnerships
Entec UK Ltd
Environment Agency
Faculty of the Built Environment, UWE
Federation of Small Businesses
First Group
Forest of Avon
FPD Savills
Further and Higher Education
Future West
Geoff Williams
GeoStandards Ltd
GL Hearn
GOSW
GVA Grimley
Hartcliffe and Withywood Community Partnership
Hartnell Taylor Cook
Healthy Places
Highways Agency
CB Hillier Parker
Hotwells and Cliftonwood Community Association (HCCA)
House Builders Federation
Hyder Consulting (UK) Ltd
Job Centre Plus
John Page Architects
Jonathan Charlesworth
JSPTU
JT Group
King Sturge
KingsOak South West
Knightstone Housing Association
LA21 Land Use Group
Lawrence Weston Drugs and Alcohol Project
Learning & Skills Council
Lennon Planning Ltd
Linden Homes Western Ltd
M W D Architects
Madu Ellis
Nadia Saba
NCP
Network Rail
New Deal for Communities
Newland Homes
North Bristol NHS Trust
North Somerset Council
Peter Evans Partnership
Phillip M Hale
Rail Passengers Committee
Redcliffe Futures Group
Redland and Cotham Amenity Society
Richard Ellis Planning Consultancy
Richard Pedlar Architects
Robert Turley Associates
RPS Group Plc





RTPI (South West)
Sainsburys Supermarkets Ltd
Sarah Minns
Shelter
Shirehampton Community Action Forum
Somer Housing Group
South Gloucestershire Council
South West Regional Development Agency
South West Regional Assembly
Sovereign Housing Association
Sport England South West
St Pauls Unlimited
St. Pauls Youth Promotion Ltd
Strategic Rail Authority
Stride Treglowan Town Planning
Sustainability South West
Sustrans
Tetlow King Planning
The Architecture Centre
The Broadmead Board Ltd
The Care Forum
The Countryside Agency
The Guinness Trust
The House Builders Federation
The Housing Corporation
The University of Bristol
Thursby Associates
Transport 2000
Turley Associates
UNITE Group Plc

United Bristol Healthcare NHS Trust
University of the West of England
Urban Splash (South West)
UWE Estates Department
VOSCUR
Welham and Hanna Chartered Architects
Wessex Water
Westbury-onTrym Society
Westbury Homes (Holdings) Ltd
Whicheloe Macfarlane
White Young Green Planning

The public consultation resulted in 56 comments being received. These are set out in detail in Appendix A along with the Council's response to the comments and any amendments to the SPD arising from the comments.

The opportunity has also been taken to include a number of other amendments in the SPD. These are set out in Appendix B and are included to enable improved clarity, to update references to government guidance to include Circular 05/2005 (Planning Obligations), or where updated figures have been provided in relation to the formula used to calculate education contributions.



Respondent(s)	Comment	Council Response	Recommended Amendments
General Comments			
Avon Fire Service	Request inclusion of the provision of fire hydrants through the planning obligation process.	<p>It is not considered necessary to include the provision of fire hydrants in the Planning Obligations SPD.</p> <p>However, should the Fire Authority wish to comment on planning applications and request the inclusion of hydrants in particular development proposals, the Council would consider these comments accordingly and would aim to secure the provision of hydrants through conditions.</p>	No change
Government Office for the South West	The SPD may be premature due to the impending production of a revised Circular covering planning obligations and the introduction of a Good Practice Guide both of which are due for publication in 2005.	<p>The SPD was carefully drafted to reflect emerging guidance in the Draft Revised Circular on Planning Obligations and the Draft Good Practice Guide. The final Revised Circular (05/2005) issued on 18 July 2005 is broadly consistent with the Draft Revised Circular and therefore it is considered that the approach taken in respect of the SPD reflects the guidance given in Circular 05/2005 - Planning Obligations. There is no set timetable for the production of the Good Practice Guide, and any delay in the production of this SPD would impact upon the delivery of the Local Development Scheme. Also, if the SPD were held in abeyance until such time as the Good Practice Guide was produced it would reduce the Council's ability to negotiate planning obligations effectively and in the transparent way proposed.</p>	No change



Respondent(s)	Comment	Council Response	Recommended Amendments
House Builders Federation	Curious timing of the SPD given that a Draft Revised Circular on Planning Obligations is currently out to consultation. It is unclear as to why the Council has not waited until the revised circular is published before issuing the SPD for consultation.	The SPD was carefully drafted to reflect emerging guidance in the Draft Revised Circular on Planning Obligations and the Draft Good Practice Guide. The final Revised Circular (05/2005) issued on 18 July 2005 is broadly consistent with the Draft Revised Circular and therefore it is considered that the approach taken in respect of the SPD reflects the guidance given in Circular 05/2005 - Planning Obligations. There is no set timetable for the production of the Good Practice Guide, and any delay in the production of this SPD would impact upon the delivery of the Local Development Scheme. Also, if the SPD were held in abeyance until such time as the Good Practice Guide was produced it would reduce the Council's ability to negotiate planning obligations effectively and in the transparent way proposed.	No change
Bristol Trades Union Council	Welcomes the production of the SPD and supports the full application of all obligations in all cases.	Support welcomed. It should be noted that the full application of all obligations in all cases may not always be appropriate, for example if there are exceptional costs associated with the development, e.g. remediation works. Consequently, the Council aims to achieve a negotiated package of planning obligations taking into account individual site characteristics.	No change
Turley Associates on behalf of the Bristol Alliance	A number of the obligations proposed do not have any threshold as a trigger for the obligation. This is very concerning and will result in almost every planning permission in Bristol being the subject of a planning obligation, which often take months to resolve and sign. A threshold of at least 2,500 sq m or 25 dwellings should apply to all obligations	A planning obligation may be necessary for developments of various types and sizes. For example, a small development such as a mobile phone mast may require landscape screening, or a small warehousing unit may require an improved highway access necessitating Highway Infrastructure Works. As a consequence, overall minimum thresholds are considered overly restrictive.	No change



Respondent(s)	Comment	Council Response	Recommended Amendments
		<p>It is not the case that the Council intends for virtually all planning permissions to be the subject of a planning obligation. As present approximately 1% of permissions granted are subject to a planning obligation and it is considered unlikely that this figure will change greatly in the future.</p> <p>It is not agreed that a threshold of at least 2,500 sq m or 25 dwellings should apply to all obligations, as those thresholds in place are consistent with adopted policy. In addition applying a blanket threshold would not allow individual circumstances to be taken into account.</p>	
Wessex Water	<p>Whilst we support the principle that new development should contribute towards the five aims identified in the Community Strategy we believe that water and sewerage companies should be exempt from these planning obligations. This is on the basis that we provide essential services for servicing existing customers and new development, we do not expect existing customers to subsidize costs attributable to new development, and we do not profit from the development of our sites.</p> <p>Wessex Water therefore seeks confirmation of exemption from general planning obligations. With regard to landscaping we accept that there may be a requirement for screening etc, however we would accept this to be within the confines of our land, or by agreement with a private landowner, and therefore not subject to adoption by the Council. We also accept that there will be a requirement for obligations in respect of highway works where there is a requirement to improve</p>	<p>Comments noted. Whilst it is likely that developments such as treatment plants / sewerage works would not be subject to a number of obligation types, the Council would encourage the use of Local Labour etc, and it is possible that landscaping and highway access obligations may be required.</p> <p>There are many public service providers that undertake development, to which planning obligations may apply, for example new schools, health centres etc. Consequently it is not considered appropriate to exempt any individual organization from planning obligations.</p>	No change



Respondent(s)	Comment	Council Response	Recommended Amendments
	existing, or construct new, highway infrastructure in order to access the development site in a safe and appropriate manner.		
LA21 Land Use Group	The Sustainable Land Use aspect of this proposed SPD seems to be moving purposefully in the right direction and deserves urgent implementation	Support welcomed	No change

Part One - Status of the SPD

Federation	References to Policy IN1 should be deleted from the SPD in order for it to conform to PPS 12	Policy IN1 is not the specific policy hook for this SPD. The status and validity of the SPD is not adversely affected by the SPD drawing to the reader's attention, the Council's intention to promote an inclusive Planning Obligations Policy. Reference is made to Policy IN1 but it is clearly stated that this is for "... information and contextual purposes...". It is also referred to in the Travel Plans section of Part Two.	
White Young Green Planning	Question whether any significant weight can be placed on Draft Policy IN1 of the Proposed Alterations to the Bristol Local Plan, particularly as the council has decide not to proceed with it in this form and the fact that it attracted 28 objections.	Policy IN1 is not the specific policy hook for this SPD. The status and validity of the SPD is not adversely affected by the SPD drawing to the reader's attention, the Council's intention to promote an inclusive Planning Obligations Policy. Reference is made to Policy IN1 but it is clearly stated that this is for "... information and contextual purposes...". It is also referred to in the Travel Plans section of Part Two. Weight is not attached to Policy IN1 but to the adopted policies listed in the SPD, and PPG 13 in respect of Travel Plans	No change



Respondent(s)	Comment	Council Response	Recommended Amendments
Part One - Consultation			
LA21 Land Use Group	It should be stated that the SPD must conform with Bristol’s “Statement of Community Involvement (SCI)”	This SPD is intended to be adopted in advance of the adoption of the council’s Statement of Community Involvement. It is considered that the consultation undertaken for this SPD has been in the spirit of the 2004 Act and therefore can be considered to conform with the Statement of Community Involvement requirements.	No change
Part One - Local Policy Context			
St. Pauls Unlimited	Greater emphasis should be given to the opportunities for local communities to influence the type of obligations sought from development	This is covered in the final paragraph of Local Policy Context, however, it is agreed that the paragraph could be reworded to add greater emphasis to community input to planning obligations.	<p>Delete existing final paragraph of Local Policy Context and replace with the following:</p> <p>“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 package 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.</p> <p>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,</p>



Respondent(s)	Comment	Council Response	Recommended Amendments
Redcliffe Futures Group	Greater emphasis should be given to the opportunities for local communities to influence the type of obligations sought from development.	This is covered in the final paragraph of Local Policy Context, however, it is agreed that the paragraph could be reworded to add greater emphasis to community input to planning obligations.	<p data-bbox="1749 209 2159 655">in informing the Council’s position in relation to obligations required from development proposals within the areas covered by those plans. 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.”</p> <p data-bbox="1749 699 2159 1315">Delete existing final paragraph of Local Policy Context and replace with the following: “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 package 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.</p> <p data-bbox="1749 1353 2159 1449">Where Neighbourhood or Community Plans come forward and are adopted as SPD by the</p>





Respondent(s)	Comment	Council Response	Recommended Amendments
LA21 Land Use Group	The case for linking Land Use Obligations to more sustainable travel and reduced deprivation in Bristol’s estates should be more apparent in SPD4.	Comment noted. However, the SPD does identify the link between planning obligations and the Community Strategy and states that obligations are set within the context of the delivery of the five aims of the Community Strategy.	No change
Part One - Approach to location of provision through Obligations			
White Young Green Planning	It would assist if examples of exceptions to on site provision of facilities required through obligations could be included within the text, although it is acknowledged that these would be on a case-by-case basis.	Comment noted. However, Part Two of the SPD does already identify obligation types where contributions to off site provision will generally be required, and as each application needs to be assessed on a case-by-case basis it is not practical to list exceptions.	No change





Respondent(s)	Comment	Council Response	Recommended Amendments
Network Rail	<p>Pooled contributions from developers could assist in funding rail infrastructure, facilities or services.</p> <p>The governments draft circular on planning obligations suggests that where the combined impact of a number of developments creates a need for infrastructure, contributions could be pooled to allow the infrastructure to be secured in a fair and equitable way. We would support such an approach in the SPD</p>	<p>Comments accepted and it is agreed that pooled contributions could be used for a number of schemes, not just rail infrastructure.</p>	<p>Insert new paragraph at end of City Council approach to location of provision through Obligations, as follows:</p> <p>“On occasion, a number of developments are proposed in close proximity to each other, the cumulative effect of which will result in the requirement for new infrastructure. In these cases the Council may pool contributions from each of the developments in order to fund the necessary infrastructure in an equitable way.”</p>
Turley Associates on behalf of the Bristol Alliance	<p>The Council should take into account exceptional levels of quality and sustainable components in a development as both can have significant up front costs. Relief from planning obligations should be given in order to achieve exceptional quality or sustainability. Specific instances could be listed in the document such as solar energy panels, which are expensive to install and cannot be required through planning regulations.</p>	<p>It is considered that this is adequately covered in the SPD, which states on page three “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.” In addition, it is also considered that sustainable construction initiatives may enhance economic viability.</p>	<p>No change</p>





Respondent(s)	Comment	Council Response	Recommended Amendments
Part One - Type of Obligations			
Wessex Water	We should be interested to know what would be covered by Pollution control obligations.	As significant areas of the City are covered by an Air Quality Management Area (AQMA), it is intended that those developments that significantly increase car borne trips would be required to contribute towards the Council's costs in undertaking air quality monitoring and mitigation measures in their vicinity.	No change
Part One - Drafting of Agreements			
House Builders Federation	The Council should incur any Monitoring costs, as they should be covered in the planning application fee. The 15% Monitoring Fee is onerous upon the developer	This is incorrect. The planning application fee does not take into account whether planning obligations will be required and therefore it is reasonable to assume that it does not cover the Council's costs in monitoring any obligations. The decision to charge a Monitoring Fee of 15% was taken by the Director of the Department of Environment, Transport and leisure, and the associated Executive Member in October 2002 and it has been operating successfully since that date.	No change
Turley Associates on behalf of the Bristol Alliance	.The Monitoring Fee of 15% of the Planning Application Fee is excessive and should be capped at £1,000 per development.	The 15% Monitoring Fee is not considered excessive as generally the larger developments contain a greater number of obligations and require a more significant amount of monitoring The decision to charge a Monitoring Fee of 15% was taken by the Director of the Department of Environment, Transport and leisure, and the associated Executive Member in October 2002 and it has been operating successfully since that date.	No change





Respondent(s)	Comment	Council Response	Recommended Amendments
Network Rail	<p>We note that the SPD requires the developer to meet the costs of drafting the planning agreement and contribute towards monitoring the obligations. There is no objection to this requirement in principle. However, the draft circular advises that the level of such contributions should be specified in advance and should only be levied where it can be demonstrated that the contributions make a significant contribution to the speed and efficiency with which negotiations are completed.</p>	<p>Comment noted.</p> <p>The Council has standard wording and terminology, which should allow for speedy completion of agreements. However, it is not possible to specify the Council’s Legal costs of completing the agreement in advance, as issues may arise which require a greater legal input than initially envisaged.</p> <p>The Monitoring Fee is specified as 15% of the Planning Application Fee and relates to the Council’s costs incurred in Monitoring the obligations, i.e. after the completion of the agreement. The decision to charge a Monitoring Fee of 15% was taken by the Director of the Department of Environment, Transport and leisure, and the associated Executive Member in October 2002 and it has been operating successfully since that date.</p>	No change
White Young Green Planning	<p>The SPD makes no mention to the use of standard agreements / undertakings as encouraged within the Draft Revised Circular on Planning Obligations.</p>	<p>Comment accepted.</p>	<p>Insert new paragraph as follows: “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.</p>





Respondent(s)	Comment	Council Response	Recommended Amendments
			Further information can be obtained from the Principal Conveyancing Officer in the Council’s Legal Services Team on (0117) 922 2308, or the Planning Obligations Project Manager.”
Part One - Financial Contributions			
Will Fancy	It is not understood how financial contributions can remain unspent and be handed back to the developer.	<p>It is good practice for financial contributions secured by the Council to have a time limit by when they must be spent, as this reinforces the relationship between the development and the measure that the financial contribution is due to fund. There are two circumstances where monies may be returned to the developer:</p> <ol style="list-style-type: none"> 1. Where the Council has not delivered the measure within the timescale, and 2. Where the measure has been implemented and the cost of implementation has been less than the value of the financial contribution. <p>The first instance has not occurred in Bristol, as the Council has mechanisms in place to ensure that measures are delivered within the timescale. When the second instance occurs, the balance is returned to the developer, e.g. if a contribution of £30,000 is received but the measure only costs £27,300 to implement, then £2,700 would be returned to the developer.</p>	No change.





Respondent(s)	Comment	Council Response	Recommended Amendments
Part One - Monitoring of Obligations			
Bristol Trades Union Council-	Formerly requested a statement about how obligations are monitored and to what extent the Council has failed to spend (and had to return) financial contributions.	<p>Planning obligations are monitored by the Council's Planning Obligations Project Manager to ensure that both the Council and the Developer comply with their obligations. Twice yearly reports are presented to the Council's Development Control Committees to keep members updated as to the current situation with regard to Planning Obligations.</p> <p>The issue of failure to spend contributions has not occurred in Bristol, as the Council has mechanisms in place to ensure that measures are delivered within the timescale.</p>	No change.
Part Two - Section (i) Affordable Housing			
Bristol Trades Union Council	All developments should reflect a 50% Affordable Housing target.	The SPD must reflect current adopted policy, i.e. that affordable housing obligations apply to residential developments in excess of 25 units and that between 10 and 30% percent will be sought.	No Change
Bristol and South West Socialist Environment & Resources Association	The proportion of affordable housing should be increased.	The SPD must reflect current adopted policy, i.e. that affordable housing obligations apply to residential developments in excess of 25 units and that between 10 and 30% percent will be sought	No change
Bristol Trades Union Council	Welcome the provision of on-site affordable housing and object to developers being able to make a contribution to the provision of off-site affordable housing.	<p>Support welcomed.</p> <p>The only circumstances where a contribution to the provision of off-site affordable housing is acceptable are as follows:</p> <ul style="list-style-type: none"> Where the type of affordable housing required could not practically be provided on-site, or 	No change





Respondent(s)	Comment	Council Response	Recommended Amendments
Bristol and South West Socialist Environment & Resources Association	<p>Object to developers being able to make a contribution to the provision of off-site affordable housing. The following sentence should be deleted:</p> <p>Page 6 (Trigger for Obligation; lines 4 to 7)</p> <p>“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.”</p>	<ul style="list-style-type: none"> Where in the interests of ensuring a mixed and balanced community a contribution to off-site provision is considered preferable. <p>The decision to accept a contribution to the provision of off-site affordable housing is at the discretion of the Council.</p> <p>The only circumstances where a contribution to the provision of off-site affordable housing is acceptable are as follows:</p> <ul style="list-style-type: none"> Where the type of affordable housing required could not practically be provided on-site, or Where in the interests of ensuring a mixed and balanced community a contribution to off-site provision is considered preferable. <p>The decision to accept a contribution to the provision of off-site affordable housing is at the discretion of the Council.</p>	No change
White Young Green Planning	<p>It is helpful that the text includes a list of housing types that will not be the subject of affordable housing obligations. However, reference should be made to Key Worker housing.</p>	<p>Support Welcomed. With regard to Key Worker housing the comment is noted. However, Key Worker housing is not considered to be exempt from affordable housing obligations unless it comprises solely non-self contained accommodation.</p>	<p>In Trigger for Obligation, add non-self contained residential accommodation, eg, halls of residence and cluster flats, to the types of residential accommodation not subject to Affordable Housing Obligations.</p>



Respondent(s)	Comment	Council Response	Recommended Amendments
Turley Associates on behalf of the Bristol Alliance	The trigger for affordable housing should exclude sheltered housing (not just very sheltered housing) and key worker housing.	Sheltered Housing falls under Class C3 in the Use Classes Order and is therefore considered as open market housing. Consequently it is considered that Sheltered Housing should be subject to Affordable Housing Obligations. With regard to Key Worker housing the comment is noted. However, Key Worker housing is not considered to be exempt from affordable housing obligations unless it comprises solely non-self contained accommodation.	In Trigger for Obligation, add non-self contained residential accommodation, eg, halls of residence and cluster flats, to the types of residential accommodation not subject to Affordable Housing Obligations.
Turley Associates on behalf of the Bristol Alliance	The percentage of affordable housing required should be stated as up to 25% of units depending on the economics of provision.	PAN12 (Affordable Housing) sets the percentage of affordable housing required as being between 10% and 30%. This SPD is required to be consistent with PAN12.	No change

Part Two - Section (ii) Educational Facilities

House Builders Federation	Circular 1/97 indicates that the Council should not set out precise costs in advance. The SPD includes precise costs taken from DfES and standard formulae to apply to developments. The formulae should be deleted.	The SPD clearly states that the obligation will only apply if the implementation of a proposed development will result in the generation of additional pupil numbers in excess of that which local schools can accommodate. Therefore the formulae will only apply where there is a justification for additional educational facilities. The DfES figures provide a robust cost per pupil of the provision of new facilities and are therefore an appropriate mechanism to use in order to calculate an education contribution that equitably relates the level of the contribution to the number of excess pupils generated by the development. Furthermore, Circular 05/2005 – Planning Obligations, which supercedes Circular 1/97, and the Draft Good Practice Guide encourage the use of formulae, and their publication in planning documents, in order to speed up negotiations, ensure predictability and provide transparency.	No change
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Respondent(s)	Comment	Council Response	Recommended Amendments
Turley Associates on behalf of the Bristol Alliance	Education contributions should not apply to studio flats or two bedroom dwellings.	Comments accepted in relation to studio flats, however it is considered that two bedroom dwellings should not be exempt from Education Contributions as it is a reasonable assumption that two bedroom dwellings are seen as family dwellings.	Add “studio flats” to the last paragraph of Trigger for Obligation
Part Two - Section (iii) Recreational Facilities			
House Builders Federation	Object to the Council using NPFA standards. The Council should wait until “The Parks and Green Spaces Strategy” is adopted and then set a local standard.	<p>Whilst it would be preferable to have a local standard in place, it is considered that until this is the case the NPFA figures provide a robust calculation as to the amount of recreational facility required. It is therefore considered to be an appropriate mechanism to use in order to calculate a recreational facilities contribution. The Council’s Local Development Scheme sets out a timetable for the delivery of the “Parks and Green Spaces Strategy”, which requires adoption of the Strategy by April 2007.</p> <p>Furthermore, Circular 05/2005 – Planning Obligations, which supercedes Circular 1/97, and the Draft Good Practice Guide encourage the use of formulae, and their publication in planning documents, in order to speed up negotiations, ensure predictability and provide transparency</p>	No change.
White Young Green Planning	As the Council has yet to complete its Parks and Green Spaces Strategy, it is unreasonable to include a trigger for Recreational Facilities obligations, until the strategy has been published. The requirement for financial contributions on 10 houses or more or on sites of greater than 0.1ha in size seems purely arbitrary at this stage.	The trigger is based on Adopted Policy L2 which requires residential proposals of 10 or more units to provide formal / informal play space. It is considered that this, in addition to Adopted Policy NE12 provides a robust basis from which to secure Recreational Facilities, and that the threshold of 10 units is reasonable and cannot be considered arbitrary.	No change.

Respondent(s)	Comment	Council Response	Recommended Amendments
Turley Associates on behalf of the Bristol Alliance	The trigger for recreational facilities should be at least 25 units, and space provided in a scheme should be deducted.	<p>The trigger is based on Adopted Policy L2 which requires residential proposals of 10 or more units to provide formal / informal play space. It is considered that this, in addition to Adopted Policy NE12 provides a robust basis from which to secure Recreational Facilities, and that the threshold of 10 units is reasonable.</p> <p>Comments accepted in relation to deduction for space provided on site.</p>	<p>No change in relation to the trigger.</p> <p>Insert a new sentence in Trigger for Obligation, to read “Where the Council accept 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”</p>
Wessex Water	We believe that the intention is for the trigger for this obligation to only apply to residential development. However, the statement as written could imply that the obligation applies to all development greater than 0.1ha in size.	Recreational obligations will apply to residential development only, however, comments accepted.	<p>Amend first sentence in Trigger for Obligation to read as follows:</p> <p>“Recreational Obligations will apply to residential developments on sites of greater than 0.1 ha in size or containing 10 or more dwellings.”</p>
House Builders Federation	Maintenance payments should only be sought when provision of a facility is principally of benefit to the development itself rather than the wider public. This distinction should be drawn in any negotiation for commuted maintenance payments.	<p>The Recreational Facilities formula solely takes into account the additional persons generated by the development and apportions a financial contribution accordingly. The purpose of this contribution is to ensure that the additional usage occurring as a result of the development does not result in further deterioration of the facility. Therefore the contribution will enable the Council to spend capital to bring the recreational facility to a standard that will enable it to cope with the additional usage, and to maintain it to that standard for a period of time.</p>	No change

Respondent(s)	Comment	Council Response	Recommended Amendments
		Consequently it is considered that both the capital and maintenance element of the contribution are principally of benefit to the development itself.	
House Builders Federation	Maintenance period of 15 years is akin to in perpetuity and therefore contrary to Circular 1/97. The 15 year figure should be deleted and replaced with 5 years.	Comment noted. The City Council’s current practice is to seek 15 years maintenance. This is consistent with practice in South Gloucestershire and North Somerset and is not considered to be akin to in perpetuity.	No change
House Builders Federation	Circular 1/97 indicates that the Council should not set out precise costs in advance. The SPD includes precise costs and standard formulae to apply to developments. The formulae should be deleted.	Circular 05/2005 – Planning Obligations, which supercedes Circular 1/97 and the Draft Good Practice Guide encourage the use of formulae and their publication in planning documents, in order to speed up negotiations, ensure predictability and provide transparency.	No change

Part Two - Section (iv) Landscape Schemes

Turley Associates on behalf of the Bristol Alliance	On site landscaping should be dealt with by condition in line with government advice. There is no need to repeat and replicate these powers and checks through a Planning Agreement.	This section of the SPD deals with Landscape Schemes where the scheme is to be transferred into the ownership of the Council, and a payment to cover it’s maintenance is payable by the developer. Consequently a Planning Agreement is required to enable the land transfer and maintenance payment to take place.	No change
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Respondent(s)	Comment	Council Response	Recommended Amendments
Part Two - Section (v) Travel Plan initiatives			
House Builders Federation	This does not supplement an adopted policy and should be deleted from the SPD.	The requirements for Travel Plan Initiatives are clearly set out in National Policy Guidance in the form of PPG13. Therefore the Council is justified in seeking Travel Plan obligations and will seek to do so where appropriate. As the purpose of the SPD is to amalgamate the Council's approach to Planning Obligations and provide all the relevant detail in one document, as recommended in Circular 05/2005 – Planning Obligations, it is considered appropriate to include the Travel Plan Initiatives Section.	No change
Part Two - Section (vi) Park and Ride Facilities			
White Young Green Planning	It would be helpful if the text could refer to exceptions cases, for example, where an office development is located close to a railway station and local bus services.	As set out in the SPD, the section relating to Park and Ride Facilities is included for the sake of completeness and is reproduced from the Adopted Local Plan. The Local Plan clearly states that "Contributions will only be sought from those parts of Central Bristol which can be efficiently served by Park and Ride" and Policy M15 sets out factors that will be taken into consideration in applying the formula.	No change
Part Two - Section (vii) Highway Infrastructure Works			
Highways Agency	Support the approach set out in respect of Highway Infrastructure Works.	Support welcomed.	No change



Respondent(s)	Comment	Council Response	Recommended Amendments
Turley Associates on behalf of the Bristol Alliance	Where new trees have replaced existing trees or where traffic signals have been upgraded as part of Highway Infrastructure Works, this should be taken into account in calculating the maintenance payment due.	Comments accepted.	<p>In Traffic Signals Commuted Maintenance Payment, include new sentence at the end of the first paragraph, to read “Where existing traffic signals are to be upgraded the Commuted Maintenance Payment will not apply”</p> <p>In Street Trees Commuted Maintenance Payment amend the text of the opening sentence to read “If the Highway Infrastructure Works include the provision of new trees, a commuted maintenance payment will be required where the Works results 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.”</p>





Respondent(s)	Comment	Council Response	Recommended Amendments
Part Two - Section (viii) Site Specific Measures			
House Builders Federation	Any measure should satisfy the policy tests set out in Circular 1/97 and this should be made explicitly clear in the text.	The tests contained in Circular 05/2005 – Planning Obligations, which supercedes Circular 1/97, are set out in Part One (National Policy Context) and are referred to in the Site Specific Measures section. However, it is considered that there is merit in the comment and that the section is amended accordingly.	In Trigger for Obligation, include new text after the first sentence, to read “The obligation must satisfy the policy tests set out in Circular 05/2005 – Planning Obligations and particular reference made to the test which ...” and delete the following existing text “However Circular 05/2005 ...”
Network Rail	We welcome the SPD’s recognition that obligations may be required for public transport improvements. However, there is no expansion on this issue within Part 2. Developments near public transport hubs can often increase passenger numbers significantly. Should improved rail facilities be required as a result of the development, Network Rail would look to developers to fund such improvements.	Support welcomed. The issue of improvements to rail facilities would currently be dealt with under Site Specific Measures. However, it is agreed that there is merit in referring to rail facilities within this section.	In Definition, amend second bullet point to read as follows: <ul style="list-style-type: none"> Funding of improved public transport facilities where a development generating significant levels 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.



Respondent(s)	Comment	Council Response	Recommended Amendments
Part Two - Section (x) Areas of Public Realm			
House Builders Federation	If a developer contributes to an Area of Public Realm at the Council’s request, it should not be expected to pay maintenance payments, as the Area of Public Realm will not be “principally of benefit to the development itself rather than to the wider public” The demand for maintenance payments should be deleted.	Comment noted. It is considered that there are occasions where the comment would be valid, and consequently the issue of maintenance payments will be considered on a site-by-site basis to assess whether a requirement for a maintenance payment is appropriate.	Delete the final sentence in the first paragraph of Arrangements for fulfilling Obligation, and replace with the following: “Upon transfer a commuted maintenance payment may be required where it is considered appropriate, i.e. when there is significant benefit to the development in the area of public realm being implemented.”
White Young Green Planning	It is noted that the requirement is for the developer to design and construct the area of public realm. This is not always the most practical solution, particularly where the area of public realm covers part of a much larger area where a comprehensive urban design approach is required, eg, Brunel Mile. The SPD should be amended to include reference to financial contributions towards the enhancement of the public realm	Comment accepted	Include a further paragraph at the end of the Arrangements for fulfilling Obligation section to read: “In exceptional circumstances where it can be demonstrated that it would be neither practical or 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 area of public realm.”



Respondent(s)	Comment	Council Response	Recommended Amendments
Turley Associates on behalf of the Bristol Alliance	The maintenance rates referred to under “Basis of Calculation” should be stated.	<p>The areas of public realm could be constructed using a number of differing techniques and materials depending upon the characteristics of the area. Consequently the maintenance rates may vary accordingly and it is not possible to list all eventualities in the SPD. In addition, maintenance rates may change as maintenance contracts come up for renewal.</p> <p>The SPD provides developers with two options as far as maintenance payments are concerned. The first of these allows for the maintenance rates in place at the time of the agreement to be included in the agreement, and index linked, therefore giving a reasonable level of certainty as to the amount of the maintenance payment.</p>	No change

Part Two – Section (ix) Economic Contributions from New Development

White Young Green Planning	The SPD refers to other draft SPD’s which have not yet been published for public consultation	<p>Comment accepted.</p> <p>The Draft Economic Contributions SPD was available for public consultation between 21 February 2005 and 4 April 2005.</p>	No change
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Part Two – Section (xi) Public Art

House Builders Federation	The thresholds for the requirement of Public Art are completely new policy, and not contained in the Adopted Local Plan. The public art section should be deleted.	The SPD clearly states tht public art will be “ encouraged “ and not sought or required. The purpose of including the thresholds is to give developers an indication as to the type and scale of developments that would be encouraged to incorporate public art.	No change
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Respondent(s)	Comment	Council Response	Recommended Amendments
Part Two – Section (xiii) Library Facilities			
Bristol Trades Union Council	Objects to the Bristol standard of provision of 35m ² per 1000 population. States that the Council should apply the International Federation of Library Associations standard of 42m ² per 1000 population.	Government guidance encourages the use of local standards in order to reflect local circumstances. The Council’s Library Services Team have set a standard of 35m ² per 1000 population as it is considered that this reflects local need. Consequently, any deviation from this in the SPD would not be consistent with the local standard.	No change
Will Fancy	Objects to the Bristol standard of provision of 35m ² per 1000 population. States that the Council should apply the International Federation of Library Associations standard of 42m ² per 1000 population.	Government guidance encourages the use of local standards in order to reflect local circumstances. The Council’s Library Services Team have set a standard of 35m ² per 1000 population as it is considered that this reflects local need. Consequently, any deviation from this in the SPD would not be consistent with the local standard.	No change
House Builders Federation	Circular 1/97 indicates that the Council should not set out precise costs in advance. The SPD includes precise costs and standard formulae to apply to developments. The formulae should be deleted.	The Council currently fails to meet a number of Public Library Standards and the provision of additional residential development will place further pressure on the Council’s Library Services. The formulae, as set out, solely takes into account the additional persons generated by the development and apportions a financial contribution accordingly. The purpose of this contribution is not to improve an already deficient service but to make sure that the additional usage occurring as a result of the development does not result in further deterioration of the service. Therefore the obligation is directly related to the impact of the development.	No change



Respondent(s)	Comment	Council Response	Recommended Amendments
Turley Associates on behalf of the Bristol Alliance	The trigger for payments towards library provision should be much higher and only apply to schemes of at least 200 units.	Furthermore, Circular 05/2005 – Planning Obligations, which supercedes Circular 1/97 and the Draft Good Practice Guide encourage the use of formulae, and their publication in planning documents, in order to speed up negotiations, ensure predictability and provide transparency.	No change
Sustainability Appraisal			
LA21 Land Use Group	The matrix identifies 3, 6, 7 and 10 in the appraisal of Travel Plan Initiatives, which is welcome. However, the absence of 5, which identifies mixed-use requirements, suggests that the link between mono-functional development and high level of car commuting is not recognized	Indicator 5 states “Does the policy provide more and a wider range of accessible employment opportunities via mixed use developments, employment land allocations or better education and training opportunities.” The requirement of the provision of Travel Plan Initiatives through Planning Obligations clearly does not provide the measures set out in Indicator 5 and therefore this indicator was not identified as one to which Travel Plan Initiatives applied.	No change



Section	Amendment	Reason for Amendments
Status of the SPD	<p>In the bullet point list of policies the SPD will supplement, add the following:</p> <ul style="list-style-type: none"> • CC7 – City Centre Pedestrian Links • CC8 – City Centre Streets for People 	Omitted in error
National Policy Context	<p>Rewrite opening paragraph and up to the end of the first bullet point of the second paragraph to read as follows:</p> <p>The legislative framework for planning obligations is set out in Section 106 of the Town & Country Act 1990, as amended by Section 12 of the 1991 Planning and Compensation Act. Further guidance is contained in PPG1 (General Policy and Principles) 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.</p> <p>Circular 05/2005 sets out the following tests that must be satisfied in order for obligations to be required:</p> <ol style="list-style-type: none"> 1. the obligation must be necessary to make the proposed development acceptable in planning terms; <p>Rewrite final paragraph to read as follows:</p> <p>The 2004 Planning and Compulsory Purchase Act does not formerly 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 obligation policies in their Local Development Frameworks, with the detail being set out in a Supplementary Planning Document. It is considered that the approach being taken in respect of SPD4 is consistent with the advice given in Circular 05/2005.</p>	To take into account ODPM Circular 05/2005 (Planning Obligations)

Section	Amendment	Reason for Amendments
Priorities	<p>Rewrite opening paragraph to read as follows:</p> <p>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 judgment, 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:</p> <ul style="list-style-type: none"> • Adopted Local Plan Policy • Adopted Local Development Framework Documents • Circular 05/2005 (Planning Obligations) • PPS3 (Housing) and Circular 6/98 (Affordable Housing) • Financial viability of the proposed scheme • The availability and quality of the surrounding infrastructure and facilities • Individual site characteristics <p>This approach will ensure that Circular 05/2005 is applied consistently and that obligations are related to the site from which they are sought.</p> <p>It is not considered appropriate for citywide priorities relating to different development types to be set out in a priority order, as circumstances will differ across the city and each development proposal will have its own characteristics, which may make adhering to a citywide prioritised list of obligations inappropriate. However, where obligations are required in order for a development to be acceptable in purely land use terms, i.e. obligations relating to the siting of the development, these will be given priority over other obligations.</p> <p>In final paragraph on Page 4, replace 1/97 with 05/2005.</p>	<p>Increased clarity and to take into account ODPM Circular 05/2005 (Planning Obligations)</p>

Section	Amendment	Reason for Amendments				
Affordable Housing	In Policy Background, replace 1/97 with 05/2005 (Para B12)	To take into account ODPM Circular 05/2005 (Planning Obligations)				
Educational Facilities	<p>In Policy Background, replace 1/97 (Para 4-1261) with 05/2005 (Para B15)</p> <p>New figures have been provided by DfES (in February 2005) for the costs of providing additional school places.</p> <p>These are as follows:</p> <table data-bbox="593 528 1070 619"> <tr> <td data-bbox="593 528 936 560">Nursery and Primary School</td> <td data-bbox="981 528 1070 560">£9,136</td> </tr> <tr> <td data-bbox="593 587 808 619">Secondary School</td> <td data-bbox="965 587 1070 619">£14,346</td> </tr> </table> <p>The figures are Bristol specific as they include a location factor.</p> <p>The amendment is to include the new figures in the Basis of Calculation and the worked example.</p>	Nursery and Primary School	£9,136	Secondary School	£14,346	<p>To take into account ODPM Circular 05/2005 (Planning Obligations)</p> <p>To incorporate the most up to date figures available.</p>
Nursery and Primary School	£9,136					
Secondary School	£14,346					
Recreational Facilities	<p>In Policy Background, replace 1/97 (Para 4-1261) with 05/2005 (Para B15)</p> <p>In the first paragraph of the Second Column, amend as follows:</p> <p>Replace</p> <p>The cost per m2 for the provision and maintenance 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.</p> <p>With</p> <p>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.</p>	<p>To take into account ODPM Circular 05/2005 (Planning Obligations)</p> <p>Error in the original wording.</p>				

Section	Amendment	Reason for Amendments
Landscape Schemes	In Policy Background, replace 1/97 (Para 4-1263) with 05/2005 (Paras B15 and B19)	To take into account ODPM Circular 05/2005 (Planning Obligations)
Park and Ride Facilities	In Policy Background, replace 1/97 (Para 4-1261) with 05/2005 (Para B15)	To take into account ODPM Circular 05/2005 (Planning Obligations)
Highway Infrastructure Works	In Policy Background, replace 1/97 (Para 4-1261) with 05/2005 (Para B15) In Traffic Signals Commuted Maintenance Payments, replace 1/97 (Para 4-1263) with 05/2005 (Para B19) In Street Trees Commuted Maintenance Payments, replace 1/97 (Para 4-1263) with 05/2005 (Para B19)	To take into account ODPM Circular 05/2005 (Planning Obligations)
Site Specific Measures	In Policy Background, replace 1/97 (Para 4-1260 and 4-1261) with 05/2005 (Paras B12 – B16) In Trigger for Obligation, replace 1/97 with 05/2005	To take into account ODPM Circular 05/2005 (Planning Obligations)
Areas of Public Realm	In Policy Background, replace 1/97 (Para 4-1261) with 05/2005 (Paras B15, B16 and B19)	To take into account ODPM Circular 05/2005 (Planning Obligations)
Community Forest Initiative	In Policy Background, replace 1/97 with 05/2005 (Para B15)	To take into account ODPM Circular 05/2005 (Planning Obligations)
Library Facilities	In Policy Background, replace 1/97 (Para 4-1261) with 05/2005 (Para B15)	To take into account ODPM Circular 05/2005 (Planning Obligations)
Sustainability Appraisal	In Other Relevant Plans and Documents add the following: • Circular 05/2005 Planning Obligations, Office of the Deputy Prime Minister (2005)	To take into account ODPM Circular 05/2005 (Planning Obligations)



SUSTAINABILITY APPRAISAL

Background

SPD4 supports the Bristol Local Plan (Adopted December 1997) by providing supplementary guidance and setting out in greater detail, the Council's approach to Planning Obligations.

Objective of SPD

The objectives of the SPD are as follows:

- To clarify the Council's position regarding the basis on which planning obligations will be sought.
- To provide guidance and information to developers, their agents, stakeholders and Bristol residents.
- To add additional weight to the relevant policies and ensure consistent interpretation, whilst allowing for the individual circumstances of each proposal to be taken into account.

Existing Sustainability Appraisal

A sustainability appraisal (SA) of the Bristol Local Plan was prepared in accordance with best practice at the time (The Bristol Local Plan Sustainability Appraisal, 2000). This identified 10 sustainability criteria against which each local plan policy was assessed and these criteria are set out below:

- Does the policy result in an improvement in the quantity, range and quality of the housing stock or community facilities;
- Does the policy enhance the appearance of urban and rural environments or make them cleaner, healthier or safer;
- Does the policy improve the accessibility of town and neighbourhood centres, schools, health facilities or sport and recreational facilities by walking, cycling or public transport;
- Does the policy encourage sustainable economic growth by enhancing regional and local industrial, commercial, retail,

warehousing, distribution and freight transport infrastructure and facilities;

- Does the policy provide more and a wider range of accessible employment opportunities via mixed use developments, employment land allocations or better education and training opportunities;
- Does the policy reduce waste and / or the risk of pollution of air, water, sea, land or soil;
- Does the policy reduce the need to travel and / or journey lengths;
- Does the policy fit well within Bristol's urban form and not increase the risk of flooding or land instability affecting development;
- Does the policy conserve, enhance or restore the quality, quantity, character, distribution, distinctiveness and diversity of environmental, historical or cultural assets / resources;
- Does the policy encourage appropriate forms of renewable energy, or encourage the use or consumption of either renewable or non-renewable resources in a more sustainable way.

Approach to Sustainability Appraisal for SPD 4

Recent draft government guidance "Sustainability Appraisal of Regional Spatial Strategies and Local Development Frameworks (consultation draft)" indicates that there may be opportunities for avoiding duplication in SA within the planning hierarchy.

It is considered that the SA of the Bristol Local Plan provides the basis for the appraisal of SPD4. Consequently, this appraisal will not repeat work already undertaken in the appraisal of the Bristol Local Plan. It will concentrate on assessing the SPD against the criteria set out in the appraisal of the Bristol Local Plan to examine whether it enhances the sustainability of the relevant local plan policies.



Where the SPD introduces issues not covered by policies in the Bristol Local Plan, e.g. travel plans; these issues will be individually assessed against the 10 criteria in order to provide a complete appraisal picture.

Sustainability Appraisal Matrix

The matrix (located at the end of the SA) contains an appraisal of the SPD using the 10 sustainability criteria (as set out in the Existing Sustainability Criteria section). The key to the symbols used in the matrix is detailed below:

- Likelihood of significant beneficial effect
- Likelihood of additional beneficial effect over and above that achieved by the Local Plan Policy
- ? Uncertain or unpredictable effect

Where cells remain blank, the criteria has either not been considered to be relevant, or it is considered that the criteria will have an insignificant or neutral effect.

Indicators and Monitoring

Progress towards the sustainability objectives will be measured using specific indicators contained in the following documents:

- The Annual Monitoring Report produced to support the Council's Development Plan Documents, and
- The Council's Annual Quality of Life Indicators Report.

The Council has undertaken an Annual Quality of Life Report for a number of years, and consequently a large volume of baseline information is available. It is anticipated that the Annual Monitoring Report will utilise this information and introduce new indicators, where necessary, to ensure appropriate mechanisms are in place to monitor the Local Development Framework, which will eventually replace the Bristol Local Plan.

In addition, the differing types and level of planning obligation secured through the

development process are monitored on a regular basis, and this monitoring will enable the Council to assess the effectiveness of the SPD and whether its implementation is achieving the aims of the relevant sustainability criteria.

As this SPD is being produced under transitional arrangements to support policies in the saved local plan it is not considered appropriate to base the SA on a new survey of baseline information.

Other Relevant Plans and Documents

The following plans and documents have been examined to ensure that the SPD conforms to the advice, guidance and policies contained within them:

- Bristol Local Plan (Adopted 1997), Bristol City Council
- Bristol Local Plan Sustainability Appraisal, Bristol City Council (2000)
- Circular 1/97 Planning Obligations, Department of Environment (1997)
- Draft Revised Circular on Planning Obligations, Office of the Deputy Prime Minister (2004)
- Circular 05/2005 Planning Obligations, Office of the Deputy Prime Minister (2005)
- PPS12 Local Development Frameworks, Office of the Deputy Prime Minister (2004)

Future Appraisal

As the Council progresses with the production of core policies and other documents forming part of the Local Development Framework, it is intended that this SPD will be updated and amended to take into account emerging policy.

The Council is currently in the process of identifying a revised set of sustainability criteria against which future planning policy documents will be appraised. It is intended that when this SPD is updated it will be reappraised against the revised sustainability criteria, rather than those set out in this SA.



Conclusion

The SA matrix demonstrates that SPD4 is likely to enhance the sustainability of the relevant local plan policies where formulae are introduced to calculate the level of obligations sought. This will enable a more consistent approach to the application of the policy and result in a greater level of improvement / enhancement to the relevant facilities than would otherwise be achieved.

Where the SPD is merely formalising existing practice and providing clarity, for example in relation to Policy M1 and L10, there is unlikely to be a significant enhancement in the sustainability of the policies.

In those cases where the SPD introduces new issues, for example Travel Plans, the SA demonstrates that it is likely to result in sustainability improvements in relation to a number of the sustainability criteria.



TABLE 1
MATRIX ASSESSING THE SPD AGAINST THE SUSTAINABILITY APPRAISAL CRITERIA FOR THE RELEVANT ADOPTED LOCAL PLAN POLICIES

Policy NE12 - Open Space: Creation and Enhancement

Sustainability Criteria											Comments
	1	2	3	4	5	6	7	8	9	10	
2000 Appraisal		●	●				●	●	●		The introduction of a formula based approach to securing contributions for off site open space will result in a more consistent approach to the application of the policy, and should result in greater level of improvement to existing open space, therefore further enhancing its appearance and making it cleaner and safer.
2000 plus SPD Appraisal		●●	●				●	●	●		

Policy M1 - Transport Development Control Criteria

Sustainability Criteria											Comments
	1	2	3	4	5	6	7	8	9	10	
2000 Appraisal		●	●				●		●	●	The SPD formalises existing practice and sets out the Council's approach to securing highway infrastructure works and achieving measures to fund schemes to mitigate the impact of the development on a site by site basis. It is not considered that the SPD enhances or diminishes the sustainability of Policy M1.
2000 plus SPD Appraisal		●	●				●		●	●	

Policy M15 - Parking: Commuted Payments

Sustainability Criteria											Comments
	1	2	3	4	5	6	7	8	9	10	
2000 Appraisal			●		●	●	●				As the SPD includes the Bristol Local Plan Parking Commuted Payments policy and formula for the sake of completeness only it has no impact on the sustainability of Policy M15.
2000 plus SPD Appraisal			●		●	●	●				

TABLE 2
MATRIX ASSESSING NEW ISSUES RAISED IN THE SPD AGAINST THE SUSTAINABILITY APPRAISAL CRITERIA

Travel Plan Initiatives

	Sustainability Criteria										Comments	
	1	2	3	4	5	6	7	8	9	10		
Appraisal of Travel Plan Initiatives			●			●	●				●	The SPD formerly introduces the Council's approach to the provision of Travel Plans from new development and it is considered that this will enhance sustainability by improving accessibility, introducing measures to reduce the need to travel and encouraging the consumption of resources in a more sustainable way. The use of Travel Plans should also reduce the number of journeys made by private car and therefore contribute to a reduction in the risk of air pollution.

Economic Contributions from New Development

	Sustainability Criteria										Comments	
	1	2	3	4	5	6	7	8	9	10		
Appraisal of Economic Contributions from New Development				●	●		●					The Council is issuing a draft SPD titled "Economic Contributions from New Development" in early 2005 and this will be subject to a full Sustainability Appraisal. The reference made to the SPD in this document provides a basis from which developers will be encouraged to enter into planning obligations. Such obligations will enhance sustainability by encouraging local economic growth through the provision of start up units and the use of local labour, and by providing training and childcare facilities to enable local people to obtain employment in the vicinity of their communities thus reducing the need to travel.



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