

# Discharge of planning conditions

The need and justification for planning conditions is contained in *TDMG Section 2.2*. These requirements, as confirmed in government guidance must be: *relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other respects.*

**We will recommend approval of development, subject to a number of conditions being met and by a certain timescale.**

## Timing and trigger points

The trigger points associated with planning conditions can range from site management (post-occupation) conditions that require the completed development to, for example, keep areas free of obstruction for parking, turning or servicing; to pre-occupation conditions that mandate the delivery of cycle parking, bin storage or the completion of a Travel Plan in time for the occupation of the development. Where greater detail is needed on matters prior to the start of construction, we will insist that conditions are pre-commencement or sometimes sooner than this where major changes or interventions require a longer lead-in period and rely on the involvement of third parties.

Bristol City Council's standard planning conditions are available in full on our website in the Bristol City Council [Standard Conditions and Advice](#) document. A non-exhaustive summary of the typical issues we seek to be resolved, completed or confirmed by condition are provided below in accordance with the relevant time-related triggers.

## Six Months Prior to Commencement

Major changes to the highway network and interventions requiring the involvement of public transport operators.

## Prior to Commencement

Works to the Highway; Creation of new Highway; Construction Management; Structures; Phasing; Condition Surveys; Temporary Access; Further details of matters not previously addressed;

## Prior to Occupation

Completion of Vehicular, pedestrian and cyclist access, car and cycle parking; servicing / manoeuvring space; provision of visibility splays; reinstatement of redundant accesses; car clubs; submission of travel plans, traffic management, car park management, delivery and waste management;

## Post Occupation Management

Standard and digital advertisement conditions; hours of opening / operation; retention and protection of refuse / recycling facilities, parking and servicing space; gates; outdoor seating; travel planning.

## Developer Highway Works Conditions

Planning permission is not permission to work in the highway.

Highway Engineering is an example of a complex process which generates risk to both the developer and the public where necessary due diligence is either absent or mistimed. In order to ensure that all developer highway works are delivered in time for the opening of a development, the process that underpins this must start much sooner than in the final stages of development and therefore needs to coincide with, and in many cases inform the construction of that development. We therefore insist on a pre-commencement condition in order to protect both ourselves and the developer.

It is often the case that where a development is making excavations within an applicant's land, this may have a structural impact on the stability and integrity of the highway. Likewise, it is common for developments to give rise to the need to cordon off, or enclose the highway in order for site hoardings to be erected and the build process to proceed. In each case, there is an impact upon the highway, either physical or in relation to accessibility. In the case of hoardings, we will not permit the temporary enclosure or closure of highway by hoarding unless works that are proposed within the area to be hoarded have received formal technical approval. The reason for this is that once hoarded we have no oversight of works that may be occurring to or adjacent the highway. In these circumstances, developers have in the past conducted unapproved works which have compromised the safety and maintainability of the highway.

In the case of structural matters we expect you to have sought and obtained prior agreement from our Structures Team.

## Works to the Existing Highway (Section 278 Agreement) Condition

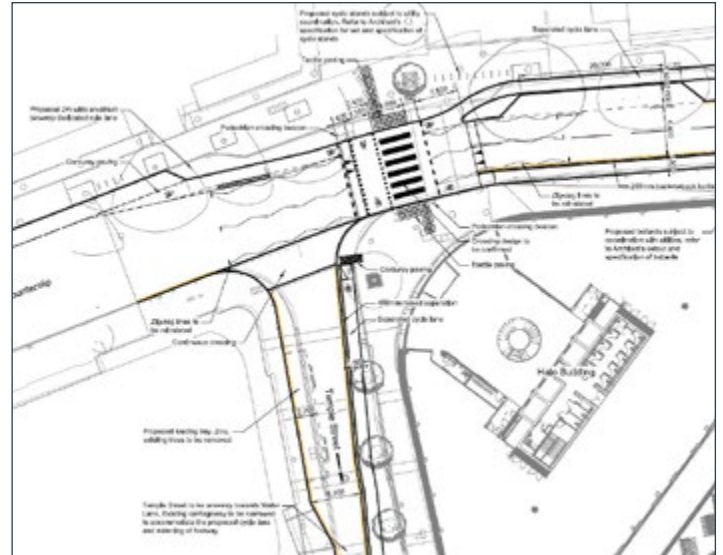


Fig 1: Discharge of Condition Engineering General Arrangement drawing, City Centre

Our standard pre-commencement planning condition for the securing of works to the highway and undertaken pursuant to the Highways Act 1980 is condition B1B. This condition confirms the information we require before a General Arrangement drawing can be considered fit for purpose to be included in a legal agreement. It is best practice in these circumstances for the condition to be written in sufficient detail at the planning stage (with an accompanying referenced plan) so as to minimise confusion at a later date.

As confirmed earlier in *TDMG Section 2.2* the level of detail included within drawings submitted at the planning stage is often limited by the level of surveys and detail available at that time - for instance – a basic two-dimensional geometric line drawing on an OS base in our experience will mask a considerable number of difficulties and constraints. As a result, it is necessary for TDM to expect greater detail to be provided before we enter into a legal agreement with a developer and at the correct time – when a civil engineering designer

and contractor is appointed whose drawings will by their nature provide much greater certainty and detail, minimising liability to the developer and the public purse. The submitted General Arrangement (GA) must include the following:

### Condition B1B (Pre-Commencement)

Plans to a scale of 1:200 showing the following:

- Existing levels of the finished highway tying into building threshold levels
- Alterations to waiting restrictions or other Traffic Regulation Orders to enable the works
- Signing, street furniture, street trees and pits
- Structures on or adjacent to the highway
- Extent of any stopping up, diversion or dedication of new highway (including all public rights of way shown on the definitive map and statement)

The typical requirements of an acceptable GA drawing are included above, but we may on occasion demand that additional information is added to the condition where, for instance there are particular challenges and issues that have not been addressed at the planning stage. This may relate to but not be limited to gradients, drainage, lighting and utilities.

Once TDM has advised our planning colleagues that the submitted drawings are acceptable for discharge, we will instruct our legal team to prepare a section 278 agreement. However, it must be noted that this does not constitute technical approval and therefore **discharge of Condition B1B is not approval to commence the works**. The above condition is to ensure that the works proposed are deliverable and sufficient to support a legal instruction and allow a detailed design process to commence.

The Highway works condition is in all cases accompanied by the following planning advices, extracts from which are provided below in the interests of delivering engineering works legally and satisfactorily:

### Standard Advice I024A Works on the Public Highway

- Before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the Council, which would specify the works and the terms and conditions under which they are to be carried out.
- You must contact the Highway Authority's Transport Development Management Team at [transportDM@bristol.gov.uk](mailto:transportDM@bristol.gov.uk) allowing sufficient time for the preparation and signing of the Agreement.
- You will be required to pay fees to cover the Councils costs in Drafting the Agreement, A Monitoring Fee equivalent to 15% of the planning application fee, Approving the highway details and Inspecting the highway works

Neither planning permission, nor a discharge of condition B1B constitutes permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved. No works are permitted until the drawings have received technical approval. For minor works, we will apply the following advice:

### Standard Advice I053 Excavation Works on the Adopted Highway

- You are advised that before undertaking any work on the adopted highway you will require a Section 171 (Excavation) Licence from the Highway Authority which is available at: [www.bristol.gov.uk/highwaylicences](http://www.bristol.gov.uk/highwaylicences)

Where the works are not substantial, for example where there is a simple reinstatement of a redundant dropped kerb or a new vehicular crossover a s278 agreement is not required, and can be covered by an excavation licence. For a new footway crossover a section 184 licence will be necessary.

## Creation of New Highway (Section 38 Agreement)



Fig 2: Example Section 38 adoption layout, Fishponds

We will enter into a process of adopting new infrastructure where the submitted design conforms to our standards of adoption and where we consider it in the public interest to insist that it should be maintainable at the public expense.

This is our preferred position in the case of all developments that propose more than five houses that are served from a new street. Standard condition B2A applies and we require the following information prior to commencement which confirms that sufficient thought and investigation has gone into the design of the development.

### Plans to a scale of 1:200 showing the following

- Long sections
- General arrangement
- Threshold levels to buildings
- Drainage
- Structures
- Swept path for two directional movement of a 11.4m long refuse vehicle passing a 4.98m long large saloon car

This condition is commonly accompanied by the following two standard advices:

### Standard Advice I027A Highway to be Adopted

- To be considered for adoption and ongoing maintenance at the public expense (the layout) must be constructed to the Highway Authority's Engineering Standard Details and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.
- You must contact the Highway Authority's Transport Development Management Team at [DMengineering@bristol.gov.uk](mailto:DMengineering@bristol.gov.uk) You will be required to pay fees to cover the Council's cost's in relation to drafting the Agreement; Set up costs; Approving the highway details and Inspecting the highway works
- To discuss the requirement for sewers contact the Highway Authority's Flood Risk Management Team at [flood.data@bristol.gov.uk](mailto:flood.data@bristol.gov.uk). You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured. Further information on the legal agreement and technical approval process is contained in the *TDMG section 2.3.3 Creation of New Highway – Section 38 Process*.