



Bristol City Council

Revision to Supplementary Planning Document 4

Planning Obligations

Issued for consultation on 28 November 2011

Introduction

Bristol is the focus for significant levels of development, providing large numbers of new homes and businesses in neighbourhoods across the City. However, this development often creates a need for specific measures to mitigate its impact, without which there could be a detrimental effect on local amenity and the quality of the environment. This Supplementary Planning Document (SPD) will help to ensure that development contributes towards the provision of the necessary measures required to mitigate its impact, resulting in a high quality sustainable urban environment, where people choose to live, work, learn and play.

Planning obligations, also known as Section 106 Agreements, are legally binding agreements entered into between a Local Authority and a developer. They provide the mechanism by which measures are secured to mitigate the impact of development on local facilities that are geographically or functionally related to it. The use of planning obligations is an effective tool through which the Council will seek to ensure that development mitigates its impact and meets the objectives set out in national and local planning policies.

The SPD comprises two parts.

Part One sets out the Council's overall approach to planning obligations. It shows how the SPD complies with national and local policy, and deals with procedural matters relating to the drafting and enforcement of Section 106 Agreements. It also outlines the role of Neighbourhood Partnerships in identifying planning obligations that are necessary to mitigate the impact of specific developments in their communities.

Part Two sets out the types of obligation that the Council may seek to secure from development. It identifies the relevant policy basis, types of development to which the obligation will apply, thresholds over which the obligation will be sought and it sets out, where possible, the basis on which the level of obligation will be calculated. It specifically covers the following obligation types:

- Affordable Housing
- Highway Infrastructure Works
- Traffic Regulation Orders
- Trees
- Fire Hydrants
- Landscaping Schemes
- Areas of Public Realm
- Removing Barriers to Employment
- Supporting Retail Centres
- Site Specific Measures
- Travel Plans

How to comment on this SPD

This consultation runs from 28 November 2011 until 20 January 2012.
If you wish to comment on the Revision to Supplementary Planning Document 4 (SPD4) – Planning Obligations, comments should be made via email to bdf@bristol.gov.uk or in writing to:

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Please note that comments cannot be treated as confidential and that they will be made available as public documents.

It is not necessary to provide your personal details, however please do so if you wish to be kept informed about the progress of SPD4.

For any queries regarding this consultation, please contact Jim Cliffe on (0117) 903 6724, or jim.cliffe@bristol.gov.uk.

PART ONE

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 legislation is set out in Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010, and the CIL (Amendment) Regulations 2011. Guidance into the use of planning obligations is set out in ODPM Circular 05/2005 (Planning Obligations).

The CIL Regulations require that local authorities cease to use planning obligations as a mechanism to support growth, upon adoption of a local CIL or by 6 April 2014, whichever is the sooner. This means that Council's will no longer be able to use a tariff-based approach to secure contributions through an SPD. In addition the CIL Regulations also prevent the pooling of Section 106 contributions from more than five developments to enable the provision of new infrastructure.

Regulation 122 sets out the following tests that must be satisfied in order for obligations to be required in respect of development proposals:

- the obligation must be necessary to make the proposed development acceptable in planning terms;
- the obligation must be directly related to the proposed development;
- the obligation must be fairly and reasonably related in scale and kind to the proposed development.

The introduction of the CIL Regulations means that upon the adoption of a local CIL, or by 6 April 2014, whichever is the sooner, planning obligations are to be scaled back to cover the provision of affordable housing and site specific measures required to mitigate the impact of development.

Bristol City Council response to the CIL Regulations

The Council intends to introduce a CIL for Bristol by Autumn 2012, in order to secure contributions from development to support growth. Consequently, this revision to SPD4 will deal only with affordable housing provision and site-specific obligations necessary to make development acceptable in land use terms. Tariff based obligations contained in the previous version of SPD4 (adopted in October 2005) for Park & Ride, Education, Library and Recreation Facilities, will cease to exist upon adoption of the revised SPD4 as these matters will be covered by CIL.

The proposed CIL Charging Schedule and revised SPD4 will be consulted on and adopted simultaneously, providing a clear and transparent framework for securing site-specific obligations and contributions to support growth.

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 Core Strategy (Adopted June 2011) and will assist in securing both local and national objectives in respect of the provision of sustainable development across the City.

The SPD will remain consistent and in conformity with emerging Development Plan Documents comprising Bristol's Development Framework.

The objective of the SPD is to provide clarity to developers, development management officers, stakeholders and local neighbourhoods regarding the basis on which planning obligations will be sought. It details the obligations that may be required from different types and quantum of development and sets out the basis on which the level of obligation will be calculated, where appropriated.

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

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.

Proposals for development that may require the provision of planning obligations should be made in accordance with the relevant policies of the Adopted Development Plan, which currently comprises a number of saved policies from the Bristol Local Plan and the Bristol Core Strategy. The SPD, which supports the Core Strategy, constitutes an important material consideration in the decision making process.

As any proposal that may require the provision of planning obligations will require the consideration of a number of planning issues, a variety of policies contained in the Core Strategy will apply. The SPD supplements, in particular, the following policy:

- BCS11 – Infrastructure and Developer Contributions

It also links into and supports the following policies:

- BCS1 – South Bristol
- BCS2 – Bristol City Centre
- BCS3 – Northern Arc and Inner East Bristol Regeneration Areas
- BCS4 – Avonmouth and Bristol Port
- BCS7 – Centres and Retailing
- BCS8 – Delivering a Thriving Economy
- BCS9 – Green Infrastructure
- BCS10 – Transport and Access Improvements
- BCS14 – Sustainable Energy
- BCS16 – Flood Risk and Water Management

- BCS17 – Affordable Housing Provision

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

Local Policy Context

All the Council's activities are guided by, and should be consistent with, the objectives and priorities set out in Bristol's Sustainable City Strategy (the Bristol 20:20 Plan). This focuses on four key outcomes, which are as follows:

- Reducing health and wealth inequality
- Raising the aspiration and achievement of our children, young people and families
- Making our prosperity sustainable
- A city of strong and safe communities

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

Thresholds

Certain types of obligation contain individual minimum thresholds, e.g. affordable housing / fire hydrants 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. Whether an obligation is sought will depend upon the nature, type, location and impact of the proposal.

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 or appropriate. In these instances, the Council will require financial contributions towards the provision of necessary measures to mitigate the impact of the development.

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 that would not have been necessary but for their development. Negotiation over the level of contributions will take account of the economics of the development, including 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 cases where a small number of developments (up to a maximum of five) are proposed in close proximity to each other and the cumulative effect will result in the need for a specific mitigating measure, the Council may pool contributions from each of the developments, in order to fund the necessary measure in an equitable way.

Input from local communities

It is expected that developers will have undertaken pre-application consultation with local communities prior to submitting development proposals. This will enable them to gain a greater understanding of local concerns and issues, and should inform the detail of their planning application.

The 14 Neighbourhood Partnerships within the Council are well placed to articulate the needs of the local community and identify necessary mitigation measures required from development proposals. In addition, where Neighbourhood Plans come forward and are formally made part of the Bristol Development Plan by the Council, they may play a key role in identifying and prioritising local infrastructure that could be delivered via planning obligations or CIL receipts.

Where mitigating measures covered by this SPD are identified by Neighbourhood Partnerships or through Neighbourhood Plans, and justified based on the impact of a proposed development, they will be prioritised as set out below in determining a planning obligations package.

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. However, as a general rule the provision of affordable housing, followed by legitimate site-specific obligations identified by Neighbourhood Partnerships or through Neighbourhood Plans will be given priority over other obligations. 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 Development Plan Documents
- Adopted Neighbourhood Plans
- Neighbourhood Partnership comments
- Financial viability of the proposed scheme
- Individual site characteristics

This approach will ensure that Circular 05/2005 and Regulation 122 of the CIL Regulations are applied consistently and that obligations are related to the site from which they are sought.

It is not considered appropriate for obligations 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.

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.

Substantial Residential Development (generally in excess of 500 units)

In the main, improvements to public open space and schools will be funded through CIL rather than planning obligations. However development proposals of in the region of 500 or more residential units may come forward, that may generate a need for on-site open space or a new school solely due to the increase in the resident population resulting from the development.

In such cases, the provision of on-site open space or a new school will be required through planning obligations, as the infrastructure is required to specifically mitigate the impact of the development. The assessment of whether these facilities are required will be based on the following:

Open Space

On-site open space will be required if there is an existing shortage of open space in the area, or if the development will result in a shortage of open space in the area, based on the quantity standards identified in the Parks and Green Spaces Strategy (Adopted February 2008).

Schools

A new school will be required if the development will generate sufficient school age children to necessitate its provision, and if the Council can demonstrate that the children generated by the development could not be provided for within existing school accommodation in the local area.

Drafting of Agreements

Section 106 Agreements will be drafted by the City Council's Legal Services Team, or by solicitors acting on the City Council's behalf. Applicants will be required to pay the Council's reasonable costs incurred in drafting and completing the agreement.

For straightforward obligations that contain only financial obligations, the Council encourages the use of Unilateral Undertakings, which are a simplified form of Section 106 Agreement. A Unilateral Undertaking template containing standard clauses is available to download on the Council's website. In the majority of cases, use of this template will result in the speedier conclusion of Section 106 Agreements. Where Unilateral Undertakings are used, applicants

will be required to meet the Council's reasonable costs incurred in checking the Undertaking.

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

Transfer of Land

Occasionally obligations will require land to be transferred to the Council, usually in respect of Public Realm or Landscaping Scheme obligations. In such cases, developers will be required to pay the Council's legal costs in respect of the land transfer.

Financial Contributions

Financial contributions will be payable at specific stages in the development process, usually on commencement or on first occupation of the development. However, there may also be cases in large-scale development where contributions can be phased, in order to match the proportional impact of each phase of the development.

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 in accordance with the terms of the Agreement.

Index Linking

All financial contributions calculated from formulae contained in this SPD are to be index linked from the date of adoption of the SPD. Most other financial contributions are to be index linked to the date that Committee or Delegated approval is given for the relevant planning application. The exception is where commuted maintenance payments are required and in these instances the payment will be index linked from the point at which the maintenance costs are agreed.

Monitoring and enforcement of Obligations

Monitoring of obligations will be undertaken by the City Council's Planning Obligations Section to ensure all obligations entered into are complied with on the part of both the developer and the Council. Developers entering into any of the following legal documents will be required to pay 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.

- Section 106 Agreement
- Section 278 Agreement
- Section 106 Unilateral Undertaking

The Council will work with developers to find solutions in cases where they have difficulty in making payments at the trigger set out in the Agreement. This could be through agreeing payment of obligations at a later stage of the development process, or agreeing payments by instalments. However, where it is imperative that the relevant measure is in place prior to a development being occupied, the obligations to fund it will always become payable on commencement of the development.

The Council will enforce obligations through the relevant legal channels once all other reasonable approaches to remedying a failure to comply with the obligations has been exhausted. In such cases, the Council will seek to retrieve its legal costs in taking action from the party that is in breach of its obligations.

Reporting of Section 106 Monies

Monthly updates containing details of Section 106 monies received, held and spent, will be produced and made available on the Council's website. These will contain the following information:

- Information relating to Section 106 monies received during the previous month
- Information relating to schemes funded through Section 106 monies during the previous month
- Spreadsheets showing all Section 106 monies currently held by the Council.

Viability

The Council accepts that there may be occasions where development proposals are unable to meet all the relevant policy requirements and still remain viable. Where the Council is satisfied that an otherwise desirable development cannot be fully policy compliant and remain viable, a reduced package of planning obligations may be recommended. In all cases where viability is an issue, the application will be determined by committee and not under delegated powers.

In order to enable the Council to assess the viability of a proposal, the applicant will be required to provide any necessary cost and income figures to the Council, and pay the Council's full costs in appointing consultants to undertake the assessment.

In all cases, the Council requires viability to be undertaken using a residual land value approach. This means that the starting point for a viability assessment is to be the existing use value (i.e. what the site is worth in its current condition for the use that it has planning consent for). Viability claims

based on an over-inflated price that has been paid for a site will not be accepted, as the Council does not consider it right that the public purse should suffer due to an ill judged purchase of land by a developer.

For viability to be considered as a reason to accept a reduced obligations package, it must be demonstrated to the Council's satisfaction that the existing use value of the site is greater than the residual land value.

The Council will not accept viability assessments on residential sites that fall below the affordable housing threshold of 15 units, as financial viability analysis undertaken to support the CIL Preliminary Draft Charging Schedule in October 2011 shows that virtually all such sites are viable taking account of land values at the time.

PART 2

Affordable Housing

Introduction

The Council's Affordable Housing policy is set out in detail in the Core Strategy and is included in this SPD for the sake of completeness only.

Policy Background

The justification for requiring obligations in respect of Affordable Housing is set out in Circular 05/2005 (Para B12), PPS3 (Housing) and Policies BCS11 and BCS17 of the Core Strategy.

Trigger for Obligation

Obligations in respect of Affordable Housing provision will be required from all residential development proposals containing 15 or more dwellings. In this instance, residential development is defined as development applied for under Use Class C3 (A to C) of the Use Classes Order 2010. As well as traditional market dwellings, this will include proposals for self-contained student accommodation, Homes for the Active Elderly and Sheltered Housing.

Level of Affordable Housing Obligation

The Council will seek affordable housing provision as per Diagram 4.17.1 contained in the Core Strategy and reproduced below for the sake of completeness.

In order to provide clarity, the level of affordable housing sought will be as follows:

Level of Affordable Housing sought	Ward in which development is proposed
40%	Ashley, Bishopston, Cabot, Clifton, Clifton East, Cotham, Easton, Henleaze, Lawrence Hill, Redland, Stoke Bishop, Westbury-on-Trym
30%	Avonmouth, Bedminster, Bishopsworth, Brislington East, Brislington West, Eastville, Filwood, Frome Vale, Hartcliffe, Henbury, Hengrove, Hillfields, Horfield, Kingsweston, Knowle, Lockleaze, St. George East, St. George West, Southmead, Southville, Stockwood, Whitchurch Park, Windmill Hill

The requirement will be for on-site provision of affordable housing, however in exceptional circumstances, and at the Council's discretion, commuted sums for off site provision may be acceptable.

Exemptions from Obligation

The following types of residential proposals will be exempt from Affordable Housing obligations:

- Very sheltered housing
- Nursing homes
- Residential care homes
- Hostels
- Non self-contained residential accommodation specifically managed for students only

Further Information

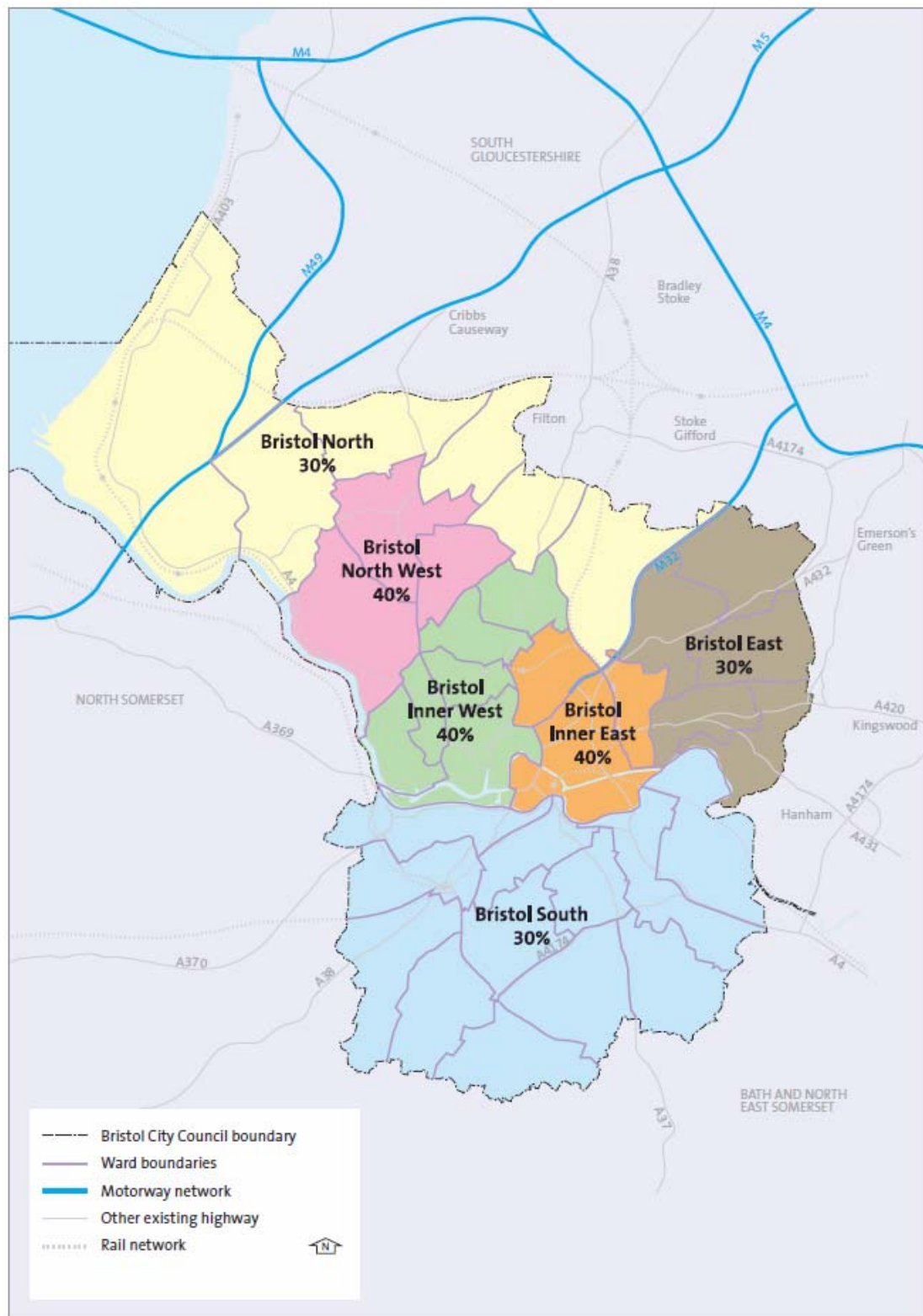
Detailed mechanisms for the delivery of affordable housing will be set out in a future supplementary planning document. In addition, proposals for securing affordable housing contributions from residential schemes of less than 15 dwellings may be contained in the Council's Development Management DPD, which is due to be consulted on during 2012. In the meantime; additional information about affordable housing provision can be found in the following documents:

- Strategic Housing Market Assessment (June 2009)
- Bristol Affordable Housing Practice Note (October 2009)

both of which are available on the Council's website.

Further information can be obtained from the Council's Affordable Housing Development Team, or the Planning Obligations Manager.

Diagram from Core Strategy identifying affordable housing requirements from new residential development of 15 or more dwellings



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Highway Infrastructure Works

Policy Background

The justification for requiring obligations in respect of Highway Infrastructure Works is set out in Circular 05/2005 (Para B15) and Policies BCS10 and BCS11 of the Council's Core Strategy

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 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.

Required works could range from small-scale footway reinstatement and kerb build-outs up to the construction of new junctions or access roads.

Highway Infrastructure Works will be secured through one of two routes, as follows:

1. Where other obligations necessitating a full Section 106 Agreement are required, Highway Infrastructure Works will be incorporated in the agreement. In addition, where the Highway Infrastructure Works are complex in nature they will also be secured through a Section 106 Agreement, as it is important that the scope of such works are agreed prior to the granting of a planning consent
2. Where there are no other obligations or the other obligations only require a simple Unilateral Undertaking, and the required Highway Infrastructure Works are straightforward, they can be secured using a "Grampian" condition. This will enable a planning consent to be granted more quickly, but will require the developer to enter into a Section 278 Highways Agreement prior to commencing their development.

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 arrangement for achieving this will be broadly as follows:

- Prior to commencing the development the developer is to submit and receive written approval of detailed engineering drawings setting out the Highway Infrastructure Works.

- Prior to occupying the development, the developer will implement the approved scheme, to the point where the Council is prepared to issue a Certificate of Substantial Completion (Certificate 1).
- The developer will retain responsibility for maintaining the Highway Infrastructure Works for a minimum of 12 months following the issue of Certificate 1. Once this period has ended and all snagging works are satisfactorily completed, a Certificate of Adoption (Certificate 2) will be issued. The Council will adopt the Highway Infrastructure Works upon issue of Certificate 2.

Specific details regarding the processes for undertaking Highway Infrastructure Works will be set out in the relevant Section 106 or 278 Agreement.

Developers will be required to enter into a bond 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. This bond can take the form of a formal bond entered into with an approved surety, or a cash deposit held by the Council.

In addition developers will also be required to pay fees to cover the Council's costs incurred in approving the detailed engineering drawings, inspecting the Highway Infrastructure Works and issuing the Certificates.

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% (minimum of £1,500)
£50,000 to £99,999	6% (minimum of £3,500)
£100,000 to £199,999	5% (minimum of £6,000)
£200,000 to £499,999	4% (minimum of £10,000)
£500,000 to £999,999	3% (minimum of £20,000)
£1,000,000 and over	2.5% (minimum of £30,000)

Traffic Signals Commuted Maintenance Payments

If the Highway Infrastructure Works include the provision of new or upgraded 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).

The maintenance payments will be as follows:

- For a pedestrian crossing with no central reservation **£10,000**
- For a junction with signals containing up to 8 phases **£20,000**
- For a junction with signals containing 8 or more phases **£30,000**

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

Traffic Regulation Order Fee and Provision of Street Trees

The relevant information and guidance is contained in sections of this SPD specifically covering Traffic Regulation Orders and Trees.

Further Information

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

Traffic Regulation Orders

What is a Traffic Regulation Order?

A Traffic Regulation Order (TRO) is a legal instrument by which a local council can implement traffic management controls on its roads. Under the provisions of the Road Traffic Regulation Act 1984, TRO's can be implemented to regulate, restrict or prohibit the use of a road or any part of the width of a road, by vehicular traffic or pedestrians. The introduction or amendment of a TRO is a statutory legal process that can take some months.

In general TRO's are mainly used for the introduction or amendment of double yellow lines, waiting restrictions and parking bays.

Policy Background

The justification for requiring obligations in respect of TRO's is set out in Circular 05/2005 (Para B15) and Policies BCS10 and BCS11 of the Council's Core Strategy.

Trigger for Obligation

Obligations in respect of TRO's will be required where there is a requirement to regulate, restrict or prohibit the use of a road or part of the width of it, due to the implementation of new development. Consequently there is no trigger below which a TRO obligation will not be required and there are no types of development that would be exempt from TRO obligations.

Developments that are required to undertake Highway Infrastructure Works obligations (as set out elsewhere in this SPD) will normally be required to enter into a TRO obligation, as the relevant works are likely to involve the introduction or amendment of double yellow lines or waiting restrictions.

Level of Contribution

If a development is required to enter into a TRO obligation as part of a scheme of Highway Infrastructure Works, the Council charges a fee of **£2,500** for each TRO required, as set out in the Council's 2010/11 Charges Review. This covers the Council's Legal and Traffic Management costs in processing the TRO. The costs of implementing the relevant lining and signs associated with the TRO will be borne by the developer as part of their Highway Infrastructure Works.

There are occasions where there are no Highway Infrastructure Works obligations required from a development proposal, but where there is still a requirement to introduce or amend double yellow lines or waiting restrictions as part of the planning consent. In these cases, the Council charges **£3,000**. This covers the Council's Legal and Traffic Management costs in processing

the TRO as well as the Council's costs of implementing the relevant lining and signs associated with the TRO.

Trigger for Payment

The introduction or amendment of TRO's is usually required for safety purposes, and therefore it is necessary for the TRO to be in place prior to occupation of the relevant development. Therefore all payments in respect of TRO obligations will be payable upon commencement of the development, in order to allow sufficient time for the TRO to be processed.

Further Information

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

Trees

Policy Background

The justification for requiring obligations in respect of new or compensatory tree planting is set out in Circular 05/2005 (Para's B15 and B16) and Policies BCS9 and BCS11 of the Council's Core Strategy.

Trigger for Obligation

Obligations in respect of trees will be required where either:

- New planting is required on public land to mitigate the impact of a development, or
- Where trees are felled as part of a development, and replacement planting is required on public land

Tree planting will either take place on open ground or in areas of hard standing such as pavements.

Where planting can take place directly into open ground the contribution will be lower than where the planting is in areas of hard standing. This is due to the need to plant trees located in areas of hard standing in an engineered tree pit.

All tree planting on public land is to be undertaken by the Council to ensure a consistent approach and level of quality, and to reduce the likelihood of new tree stock failing to survive.

Level of Contribution

The contribution covers the cost of providing the tree pit (where appropriate), purchasing, planting, protecting, establishing and initially maintaining the new tree. The level of contribution is as follows:

Tree in open ground (no tree pit required)	£765.21
Tree in hard standing (tree pit required)	£3,318.88

The "open ground" figure will apply in the following circumstances:

- Where development results in the loss of Council owned trees in open ground.
- Where development results in the loss of trees on the development site, and is unable to provide replacement tree planting on site.

In both these cases the Council will provide replacement tree planting in the nearest appropriate area of open space.

The "hard standing" figure will apply in the following circumstances:

- Where development results in the loss of Council owned trees in areas of hard standing.

- Where new tree planting in hard standing is required to mitigate the impact of development (for example street trees required as part of highway improvements).

In the first of these cases the Council will locate replacement tree planting in areas of hard standing as close as reasonable practical to the development site; and in the second of these cases the Council will implement tree planting in specific locations identified through the planning approval process.

The number of trees required to compensate for loss of existing trees depends upon the size of the trees to be lost. This is set out in the following table:

Trunk Diameter of Tree lost to development (cm measured at 1.5 metres above ground level)	Number of Replacement Trees
Less than 19.9	1
20-29.9	2
30-39.9	3
40-49.9	4
50-59.9	5
60-69.9	6
70-79.9	7
80 +	8

The following is a hypothetical example:

A development proposal results in the loss of two street trees, which have trunk diameters of 27cm and 33cm respectively.

The tree with the 27cm trunk will require 2 replacement trees and the tree with the 33 cm trunk will require 3 replacement trees.

The obligation will require the provision of 5 replacement street trees.

Therefore the contribution will be $5 \times \text{£}3,318.88 = \text{£}16,594.40$

Further Information

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

Fire Hydrants

Background

Building regulations require major new development to be within 100m of a fire hydrant. The vast majority of development in Bristol is already within 100m of a fire hydrant, and therefore this obligation will only be occasionally required. However, there are areas, primarily around the fringes of the city and on undeveloped land that are not within 100m of a fire hydrant. In these circumstances, Avon Fire and Rescue Service require the provision of a new fire hydrant in an accessible location within 100m of the development.

Avon Fire and Rescue Service are consulted on all major planning applications and they will notify the Council when a fire hydrant obligation is required.

Policy Background

The relevant section of the Building Regulations that require the provision of fire hydrants is Approved Document B – Fire Safety Volume 2 Part B5 (Access and facilities for the fire service), Section 15 (Fire mains and hydrants). The justification for requiring obligations in respect of the provision of fire hydrants is set out in Circular 05/2005 (Para B15) and Policy BCS11 of the Council's Core Strategy.

Trigger for Obligation

Obligations in respect of Fire Hydrants will be required where both the following criteria apply:

- Where the development is for 10 or more dwellings or in excess of 1,000 m² of commercial floor space; and
- Where the development will be erected more than 100m from the nearest existing fire hydrant.

Level of Contribution

The Avon Fire and Rescue Service have calculated the cost of installation and five years maintenance of a fire hydrant to be **£1,500** per hydrant.

Trigger for Payment

The provision of a fire hydrant is essential for safety reasons, and therefore where a new hydrant is required it must be operational prior to the occupation of the relevant development. In order to enable Avon Fire and Rescue Service to arrange installation of the new hydrant prior to occupation, the contribution will be required upon commencement of the development.

Landscaping Schemes

Definition

For the purposes of this SPD, a Landscaping Scheme is defined as a scheme of planting and any associated paths and boundary treatment.

Landscaping Scheme obligations will not be used to provide or improve open space as identified in the Parks and Green Spaces Strategy, as this will be covered via CIL contributions. However, there may be cases where a development site is adjacent to an open space and necessitates direct mitigation, for example to link the open space into the development or to provide a replacement boundary treatment to the open space. In these instances a Landscaping Scheme obligation will be required.

When landscaping schemes that will remain in the developer's ownership are required, these will be secured via a planning condition and will not be accepted for adoption by the Council.

Policy Background

The justification for requiring obligations in respect of the provision of Landscaping Schemes is set out in Circular 05/2005 (Paras B15, B16 and B19) and Policies BCS9 and BCS11 of the Core Strategy.

Trigger for Obligation

In general, this type of obligation will be used in the following circumstances:

- where a Landscaping Scheme is required to screen a development or integrate it into the surrounding area;
- where a Landscaping Scheme forms part of an area of public realm required from a new development;
- where a Landscaping Scheme forms part of highway infrastructure works required from a new development.

Landscape Scheme obligations could be applied to any development type, irrespective of size and consequently there is no threshold below which an obligation would not be required. The obligation will only be required where the Council wishes to adopt and take responsibility for the completed Landscaping Scheme.

The requirement for providing Landscaping Schemes can be fulfilled in one of two ways:

1. Landscaping Scheme undertaken by the Developer

In this case the requirement will be for the developer to design and implement the Landscaping Scheme to a design and specification agreed by the Council. It will then be transferred to the Council once it is in an adoptable condition.

Upon transfer, a commuted maintenance payment will be required to cover the first 15 years of maintaining the Landscaping Scheme.

The arrangements will be as follows:

- Development is not to commence until the developer has submitted to, and received written approval of, the Landscaping Scheme, from the Council.
- The developer is to implement the Landscaping Scheme, and will arrange joint site inspections with the relevant Council officer at regular periods during the implementation of the scheme and upon practical completion. When the officer is satisfied that the scheme is acceptable a Certificate of Practical Completion will be issued and a 12-month maintenance period will commence.
- The developer will retain responsibility for maintenance during the maintenance period. 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 Landscaping Scheme will be transferred to the Council and a commuted maintenance payment will become payable.

The level of the commuted maintenance payment will vary from site to site depending upon the type of hard and soft landscaping features contained in the Landscaping Scheme. The maintenance payment will be to cover a period of 15 years and will be calculated using either:

- The maintenance cost for the 15 year period 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 maintenance cost for the 15 year period in place at the time the Certificate of Adoption is issued.

Where a Landscaping Scheme includes trees, the Council will undertake the tree related design and implementation, and the costs payable by the developer will be in accordance with the Trees section of this SPD.

The developer will be required to pay fees to cover the Council's costs incurred in approving the Landscaping Scheme, undertaking inspections of the Landscaping Scheme and issuing the Certificates.

The total fee for the Council's costs will be based on the area of the Landscaping Scheme, as set out in the following table.

Size of Landscaping Scheme	Fee Charges
Less than 100m ²	£750
101m ² to 500m ²	£1,700
501m ² to 2,500m ²	£2,500
2,501m ² to 5,000m ²	£3,400
5,001m ² to 10,000m ²	£4,200

More than 10,001m ²	£7,000
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2. Landscaping Scheme undertaken by the Council

In this case the developer and the Council agree that the Council will undertake the Landscaping Scheme works. The total costs involved in designing, implementing and maintaining the Landscaping scheme will be agreed and secured via a planning obligation.

The Council will then implement the Landscaping Scheme to a timescale agreed by the developer and adopt it following practical completion.

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 BCS2, BCS11 and BCS21 of the Core Strategy.

Trigger for Obligation

Obligations to provide areas of Public Realm will generally be required in conjunction with development proposals that fall within the area to be covered by the forthcoming Central Area Action Plan. The purpose of the obligation is to secure the provision of pedestrian routes and environmental enhancements in and around this area. 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 the Floating Harbour, Feeder Canal, and identified pedestrian routes will be required to provide the appropriate area of Public Realm.

There may also be a requirement for Public Realm obligations if major regeneration schemes come forward, which are outside of the Central Area Action Plan area but which generate significant levels of pedestrian footfall.

Where areas of Public Realm incorporate Landscaping Schemes and / or Tree Planting Schemes are required, then this section of the SPD should also be read in conjunction with the Landscaping Schemes and Tree sections of the SPD.

Arrangements for fulfilling Obligation

The requirement will be for the developer to design and construct the area of Public Realm to a design and specification agreed by the Council. It will then be transferred to the Council once it is in an adoptable condition. Upon transfer, a commuted maintenance payment will be required to cover the initial costs of maintaining the Public Realm.

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 Council.
- The developer is to implement the Public Realm Scheme, and upon practical completion will arrange a joint site meeting with the relevant Council officer. When the officer 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 will become payable.

The level of the commuted maintenance payment will vary from site to site depending upon the materials to be used and the costs of maintaining the area 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.

The annual rate will be calculated and then multiplied by 15 to provide the total level of payment required to cover 15 years maintenance.

Further Information

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

Removing barriers to Employment

Policy Background

The justification for seeking obligations in respect of removing barriers to Employment is set out in Circular 05/2005 (Para B16) and Policies BCS8 and BCS11 of the Council's Core Strategy.

Trigger for Obligation

Obligations to remove barriers to employment will be required in the following circumstances:

- Where development results in the loss of 1,000m² or more of Gross Internal Area of employment floor space, or
- Where development results in a change of 1,000m² or more of Gross Internal Area of employment type.

Purpose of Obligation

Where employment floor space is lost, the purpose of the obligation is to compensate for this loss by contributing to the provision of training and support to enable displaced employees and people who may have sought employment at the site, to gain employment elsewhere.

Where the type of employment floor space is changed, the purpose of the obligation is to mitigate the impact of this change by contributing to the provision of training and support to enable the displaced workforce to access employment opportunities offered by the new development on the site or elsewhere.

Level of Contribution

The contribution will be calculated using a formula based on the following:

- The number of people that could have been employed in the employment floor space to be lost.
- The proportion of displaced employees that would be unable to find new employment without retraining or other support.
- The cost of providing the training and support necessary to enable a person to gain employment.

The number of square metres of floor space required per employee is as set out in the following table. From this information the number of employees that could have been employed at a site can be calculated.

Employment floor space Type	Square metres of floor space / employee
B1	14
B2	36
B8	70

The floor space figures above relate to Gross Internal Area. They have been derived using floor space to jobs density figures in OffPAT/HCA's Employment Densities Guide 2010, which have been converted from net to gross floor space.

The number of employees in employment floor space such as sui generis uses, retail, hotels etc will be calculated as the actual number of employees based at the site.

It is not possible to accurately quantify the number of employees that would be unable to find new employment without retraining, as it would depend upon the nature of the existing employment use. The Council's Enterprise and Economy Team estimate that approximately one third of employees are likely to require retraining to enable them to access alternative employment, and this is considered a reasonable figure to use in calculating a contribution.

Recent information from Job Centre Plus indicates that it costs between £3,000 and £6,000 to provide the training and support necessary to enable a person to gain employment. It is accepted that development can often bring benefits such as additional employment, or much needed affordable housing, and therefore it is not considered appropriate to require developers to fully fund the necessary training and support to enable displaced employees to gain new employment. It is however, appropriate that developers make a contribution towards this, and it is considered that the contribution should be £2,000 per person requiring retraining or support, which would fund between one third and two thirds of the training and support costs, based on the Job Centre Plus information.

The following table contains two hypothetical examples.

<u>A development of residential dwellings on a site currently comprising 1,870m² of B2 general industrial floorspace</u>		
Potential number of employees	$1,870\text{m}^2 / 36$	= 51.9
Employees requiring retraining	$51.9 / 3$	= 17.3
Contribution required	$17.3 \times £2,000$	= £34,600
<u>A development of B1 office floorspace on a site currently (or most recently) occupied by a car showroom and service facility totalling 1,340m² employing 45 people</u>		
Number of employees		= 45
Employees requiring retraining	$45 / 3$	= 15
Contribution required	$15 \times £2,000$	= £30,000

Use of Contributions

Section 106 contributions received using the above formula will be applied to the following uses:

- Subsidising apprenticeships in the construction and associated trades;
- Where the new use of a site will be employment related; the provision of training and support relating to the type of work undertaken by the end user;
- Where employment opportunities are lost due to a development, training and other forms of support necessary to enable former or potential employees to access work elsewhere.

Access to employment opportunities in new developments

In cases where the end use of new development will create a significant number of new jobs, the Council will seek to maximise the opportunity for local people to access these jobs. In order to achieve this, the Council will seek a planning condition requiring the occupier to enter into a partnership with the Council and Job Centre Plus to produce and implement a strategy that aims to maximise the opportunity for local people to access employment opportunities offered by the development.

Further Information

Further information can be obtained from the Council's Enterprise and Economy Team, or the Planning Obligations Manager.

Supporting Retail Centres

Policy Background

The justification for seeking obligations in respect of supporting Retail Centres is set out in Circular 05/2005 (Para B15) and Policies BCS7 and BCS11 of the Council's Core Strategy.

Policy BCS7 of the Core Strategy sets out the approach to development in Retail Centres. Whilst major business and additional retail development can bring benefits to Retail Centres it can also cause changes to the way a centre functions. It is important that such development broadly complements the existing Retail Centres and supports their ability to function successfully.

Trigger for Obligation

Obligations to support Retail Centres will be required where a retail or business development of more than 500m² Gross Internal Area is identified as potentially having an impact on nearby centres.

Level of Contribution

Any contribution would be negotiated based on the impact of the new development

Use of Contributions

Section 106 contributions received for supporting local retail centres will be spent on the following measures:

- Providing support to small businesses and retailers affected by the new development
- Implementing environmental improvements to improve the existing Retail Centre

Further Information

Further information can be obtained from the Council's Enterprise and Economy Team, or the Planning Obligations Manager.

Site Specific Measures

Definition

Site-specific measures are those obligations required to mitigate the impact of a particular development, which cannot be calculated through a formula based approach or delivered on site, and which are not covered by other sections of this SPD. The following examples cannot be considered to be exhaustive but give an indication of the types of obligation that may be required.

- Funding of local transport measures such as walking, cycling and localised public transport improvements, where development creates a specific need for such measures to directly mitigate its impact.
- Compensation for loss of revenue where a development results in the temporary or permanent loss of an on street metered parking bay.
- Funding of Legible City Signage where a development will require new signage or the upgrading of existing signage.
- Funding for ecological measures where a development has an adverse impact on local habitats and ecology, or the provision of alternative habitats to compensate for any loss.
- Provision of on-site Car Club Services in large scale residential development comprising in excess of 100 units.
- Funding for measures formally identified as Neighbourhood Partnership priorities or through Neighbourhood Plans that will be adversely impacted on by a development proposal, and which could legitimately be covered by planning obligations.

Policy Background

The justification for requiring obligations in respect of site-specific measures is set out in Circular 05/2005 (Para B15), and Policy BCS11 of the Council's Core Strategy.

Trigger for Obligation

Site Specific obligations could be required from any development type, irrespective of size, and consequently there is no threshold below which an obligation will not be required. The determining factor is whether the development creates an impact that requires mitigation.

Travel Plans

Policy Background

The justification for seeking obligations in respect of Travel Plans is set out in Circular 05/2005 (Para B15), Paragraph 90 of the Draft National Planning Policy Framework, Paragraphs 86 to 90 of PPG13 (Transport) and Policies BCS10 and BCS11 of the Council's Core Strategy.

Trigger for Obligation

Travel Plans will be sought from the following development types:

- Commercial development that provides in excess of 1,000m² of new floorspace
- Educational establishments

Travel Plans may also be required in exceptional circumstances not covered by the above criteria, where a Transport Assessment identifies specific issues that could be overcome by the implementation of a Travel Plan.

Major residential and student accommodation schemes comprising 10 or more dwellings or 50 or more student bedrooms will not be required to enter into a planning obligation for travel plans, but consents will have a condition attached that will require the provision of a travel information pack for new residents.

Requirement of Obligation

Travel Plan obligations will; in general, require developers to do the following:

- Undertake a Staff Travel Survey on occupation of the development;
- Produce a Travel Plan based on the Travel Survey. This must contain targets for the use of different modes of transport, and must be submitted for approval by the Council;
- Work with the Council to identify measures to enable Travel Plan targets to be met and implement the measures accordingly;
- Monitor the Travel Plan for a period of five years and provide an annual report to the Council identifying whether targets are being met;
- If targets are not being achieved during the five-year period, implement further measures to be agreed by the Council, to enable progress towards meeting the targets.

Financial Contribution

In addition to the above requirements, a fee of **£790** will become payable on occupation of the development. This is to cover the Council's costs in approving travel plans and working with the developer to identify measures and initiatives to help reduce car use and increase levels of sustainable travel, over the five-year monitoring period.

Further Information

Further information relating to Travel Plans can be obtained from the Council's City Transport Team.