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## Section 6

# Implementation and Delivery

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This section sets out several policies which support the implementation and delivery of the Core Strategy policies and support development and change. They include:

- Development Plan Documents
- Viability
- Developer Contributions
- Infrastructure Delivery
- Simplified Planning
- Community Involvement
- Regeneration Funding and Delivery

## Development Plan Documents

- 6.1 The purpose of this policy area is to establish the operational priorities for stimulating and managing sustainable economic growth in spatial terms, and to set out monitoring and delivery mechanisms accordingly.
- 6.2 Policy ID1 sets out the role and function of the Development Plan Documents and the Annual Monitoring Report in delivering the vision, objectives and policies established in the Core Strategy.
- 6.3 The Council will deliver the vision, objectives, core policies, thematic policies and the sub area planning policies as presented in this Core Strategy through the use of separate development plan documents as stated in the policy below.

### Policy ID1: Development Plan Documents and Annual Monitoring Report

**A. The Council will deliver the vision, objectives, core policies, thematic policies and sub area policies and associated infrastructure using the following Development Plan Documents:**

1. **Bradford City Centre Area Action Plan DPD – will include regeneration focussed area based policies and proposals to help stimulate development and support land assembly through Compulsory Purchase Order (CPO).**
2. **Shipley & Canal Road Corridor Area Action Plan DPD – will support the work of the Joint Venture Company established by the Council and Arnold Laver Group to deliver proposals for an urban eco settlement between Shipley Town Centre and Bradford City Centre.**
3. **Land Allocations DPD –policies, proposal statements and a policies map will define the extent of the green belt, allocate sites for housing and economic development as well as designate areas of environmental protection, sports and open space provision and supporting infrastructure for the Bradford District.**
4. **Bradford District Waste Management DPD – will establish the spatial strategy for dealing with all types of waste within the Bradford District, including identification of waste management sites on a policies map.**
5. **Neighbourhood Plans – will plan positively to promote sustainable and inclusive development (in general conformity with the Core Strategy DPD) with powers to plan for more housing and economic growth than set out in the Core Strategy DPD.**

**B. The Council, where appropriate, will also use Supplementary Planning Documents to accelerate the delivery of development schemes and infrastructure. Supplementary Planning Documents will not be used to add unnecessarily to the financial burdens on development.**



**C. The Council will prepare an Annual Monitoring Report (AMR) on a regular basis to report on the implementation of the Local Development Scheme, the effectiveness of local plan policies and performance of Development Management. The AMR will also report on the key plan indicators noted in Section 7 of the Core Strategy, Community Infrastructure Levy (CIL) receipts, number of Neighbourhood Plans/ Orders adopted and the action taken under Duty to Cooperate.**

## Viability

### Introduction

- 6.4 Ensuring viability and deliverability are important considerations in plan making and decision taking. To ensure the Core Strategy is viable and deliverable the council has undertaken a Local Plan Viability Assessment. This has assessed the cumulative impact of the standards and policies in the Core Strategy on development viability.
- 6.5 The Local Plan Viability Assessment indicates that the viability of development varies across the district and that there are viability challenges associated with delivering development in some areas of the district. As a result, the policies in the Core Strategy need to be implemented in a way which supports the delivery of sustainable development.
- 6.6 The policy requirements and standards in the Core Strategy are set at a level to ensure that the planned scale of development is not subject to such a scale of obligations that its ability to be developed viably is threatened. However, at a plan wide level the Local Plan Viability Assessment only provides evidence that the policies and standards are broadly viable, as the results are based on modelling assumptions and hypothetical schemes.
- 6.7 There will be instances where site specific circumstances mean that a scheme will not be able to be developed viably with the policy requirements in the Local Plan. Therefore, certain policy requirements in the Core Strategy are subject to viability to ensure delivery of planning objectives at all stages of the economic cycle and that individual site circumstances are taken into account. Policy ID2 sets out the Council's approach for considering viability issues in the determination of planning applications.
- 6.8 Policy ID2 will help to ensure the Local Plan is viable and deliverable by establishing the principles for considering financial viability through the development management process. The policy supports objectives 1, 2 and 5 of the Core Strategy.
- 6.9 Key policy linkages include policies HO9, HO11 and ID3.

### Policy ID2: Viability

**A. Where a variation to planning policy requirements or planning obligations is sought due to financial viability, a viability assessment must be submitted to the Council.**



**B. Where a development is economically unviable consideration will be given to individual scheme financial viability in the determination of planning applications.**

- 6.10 Where an applicant wishes to demonstrate that a site is financially unviable at the level of planning obligations and policy requirements required by the council, they must provide a suitably detailed Viability Assessment to support this claim.
- 6.11 Financial viability for planning purposes is defined as: “an objective financial viability test of the ability of a development project to meet its costs including the cost of planning obligations, while ensuring an appropriate site value for the landowner and a market risk adjusted return to the developer in delivering that project” (RICS guidance note Financial Viability in Planning 2012).
- 6.12 Site Value as an input into a scheme-specific appraisal “should equate to the market value subject to the following assumption: that the value has regard to development plan policies and all other material planning considerations and disregards that which is contrary to the development plan.” (RICS guidance note Financial Viability in Planning 2012).
- 6.13 For smaller scale developments, which may be completed in a single phase, viability will be considered with regard to market conditions at the time of the application. For larger schemes which may have longer build out periods with multiple phases, the viability of the scheme should be considered on a phased basis as each phase of the development comes to be delivered.
- 6.14 When considering viability the Council expects practitioners to be reasonable, transparent and fair in objectively undertaking or reviewing financial viability assessments. Within the viability assessment, the applicant will be expected to provide information from a professionally qualified source and demonstrate that the assessment is based on reasonable and realistic assumptions.
- 6.15 To allow the Council to assess the viability information submitted and give a fair and unbiased interpretation of the level of provision that may be sought from a development, financial viability assessments will be assessed by an independent valuer. The cost of the assessment by an independent valuer should be met by the developer.
- 6.16 The Council will set out the detailed requirements for submitting viability assessments through further guidance to ensure consistent decisions can be taken and appropriate weight accorded to viability considerations.
- 6.17 When obligations are being sought or revised due to financial viability; the council will take account of changes in market conditions over time and, where appropriate, be sufficiently flexible to prevent planned development being stalled. The council will balance competing policy requirements within the scope of what is viable; to ensure that what is deliverable is sustainable and otherwise acceptable in planning terms. To provide flexibility to respond to varying demands and priorities, the final balance of planning contributions and policy requirements will be determined on a case by case basis and have regard to local priorities and infrastructure requirements, as outlined in Policies ID3 and ID4.

- 6.18 A lack of viability alone will not be sufficient to justify granting planning permission with reduced contributions. It must also be shown that the development coming forward with reduced contributions will still help achieve the aims of the Local Plan and deliver sustainable development.

## Developer Contributions

### Introduction

- 6.19 The Council as the Local Planning Authority imposes conditions on planning permissions and seeks contributions through planning obligations (also known as Section 106 agreements) from developers, to secure the best use of land and a properly planned environment in the District. Section 106 (s106) agreements are legal agreements linked to planning permissions that regulate the way a development is undertaken and are used where it is not possible to regulate the permission by means of a condition. They may be in the form of in kind benefits, or a financial contribution, and may be used to prescribe the nature of a development, compensate for loss or damage created by a development, or mitigate the impacts associated with the development. The Government's current approach to planning obligations is set out in Circular 05/2005, as amended by the Community Infrastructure Levy Regulations, 2010. Under this guidance, a planning obligation may only constitute a reason for granting permission if the planning obligation is:
- i) necessary to make the development acceptable in planning terms;
  - ii) directly related to the development; and
  - iii) fairly and reasonably related in scale and kind to the development.
- 6.20 The intensification of development and employment place demands on the District's services, infrastructure and environment. The Council attaches planning conditions and negotiates planning obligations with developers to mitigate the impact of these demands. The nature and level of any contribution sought takes account of the demands created by the development concerned, existing levels of provision within the District, the Council's priorities and the impact of the obligation upon the viability of the development proposed.
- 6.21 The scale and type of benefits sought must be related to the demands created by the development. Large developments have impacts that spread beyond the immediate site, creating demand for labour, transport, housing and amenities, and they have an impact on the wider environment. Some of these impacts may be mitigated by the direct provision of infrastructure or services by a developer, others may require a financial contribution. Where a financial contribution is sought, it may be necessary to pool some contributions in order to address some of the wider development impacts. The pooling of contributions from several planning permissions to form an investment pot is particularly relevant to the provision of affordable housing, training and local community facilities. Increasingly, infrastructure and environmental improvements are being delivered through neighbourhood regeneration strategies and it is intended that, where feasible, contributions from planning obligations in the District will contribute towards the delivery of these neighbourhood level regeneration strategies.
- 6.22 It is difficult to identify specific priorities for planning obligations at this stage for a district as diverse as Bradford, which will have different priorities in different locations over

time. The identification of priorities within the policy will reduce the flexibility of the Core Strategy to respond to these changing demands and priorities.

6.23 The sorts of matters for which planning obligations will be sought include:

- affordable housing;
- community facilities;
- drainage and flood prevention.
- education;
- environmental improvements;
- health facilities;
- open space, sports and leisure;
- transport infrastructure;
- green travel plans

6.24 This list is not exhaustive and may be added to. Government reforms to the Planning System may also affect the matters for which contributions will, or can, be sought.

6.25 Key policy linkages include ID2, ID4 and ID5.

### **Policy ID3: Developer Contributions**

**Development proposals will be expected to contribute towards the cost of providing infrastructure and of meeting social and environmental requirements, where directly related to the proposed development, and fairly and reasonably related in scale and kind to the development.**

**A. Through planning application discussions the council will negotiate the contribution to be secured through a planning obligation. The nature and scale of the contribution sought will be determined having regard to the:**

- 1. Scale and form of development;**
- 2. Capacity of existing infrastructure provision; and**
- 3. Potential impact of the development upon the surrounding area and facilities.**
- 4. Opportunity to support the public sectors equality duty**
- 5. Economic Viability**

**The appropriate range and level of contributions will be assessed in a comprehensive manner, taking into account the above criteria, strategic infrastructure requirements and, where appropriate, the use of standard charges and formula.**

**B. Where development has a significant impact on the Strategic Road Network developer contributions will be sought through Section 278 agreements.**

**C. Where a Community Infrastructure Levy is in place, contributions will be made in line with the adopted CIL charging schedule.**

- 6.26 The policy will be delivered through the development management process. Planning obligations will be secured in accordance with the relevant legislation and guidance in place at the time. This will be informed by the Planning Obligations SPD, which provides the local policy context for securing planning obligations. The Planning Obligations SPD will be updated where necessary to ensure it remains up to date and relevant and takes into account any changes to regulations, including the introduction of a CIL for Bradford or any equivalent.
- 6.27 The policy approach highlights the general principle that contributions will be required where necessary in planning terms, and indicates the broad range of matters that may need to be addressed. The impact of any contributions on the viability of a scheme will be a material consideration in the planning process as set out in Policy ID2.
- 6.28 The 2008 Planning Act sets out the legislative basis for the Community Infrastructure Levy, and the enabling regulations came into effect in April 2010. These provide for the setting and collection of a statutory charge levied on development intended to address the infrastructure needs arising out of the implementation of the Local Plan. Planning Obligations have been retained but will be scaled back to focus on site specific mitigation in line with the three tests outlined above. The regulations allow for a transition period within which s106 agreements can be retained to deliver wider planning benefit, pending the adoption of a Community Infrastructure Levy.
- 6.29 Developer contributions under this policy include both planning obligations secured through s106 agreements and the Community Infrastructure Levy, should this be introduced within the District.

## Infrastructure Delivery

### Introduction

- 6.30 New development, redevelopment and the intensification of existing activities and uses can all generate additional demand for infrastructure, including social, physical, environmental and green and utilities infrastructure. It is vital that there is sufficient infrastructure to support the Core Strategy, in particular, in its targeted approach to development, to deliver the infrastructure requirements for areas of housing and economic growth, and in areas that lack infrastructure.
- 6.31 There are a variety of mechanisms that the Council can apply to assist with the delivery of infrastructure and these will collectively be used to meet infrastructure requirements:
- partnership working with infrastructure providers
  - the mitigation of the impacts of development through the planning process
  - supporting asset reviews and making the best use of existing facilities
- 6.32 The Core Strategy is a spatial plan and the implementation of objectives and policies cannot be carried out by the Council alone but will rely on coordination with a range of public, private and voluntary organisations. In order to achieve the objectives of the Core Strategy commitment will be needed from these organisations, which may be required to take action directly or work in partnership with the Council.

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- 6.33 Partnership working between the Council and its partners including health and education providers, utility companies and government agencies.
- 6.34 The Council already works with its partners in the public, private and voluntary sectors as part of the Leeds City Region Local Enterprise Partnership, the Bradford District Partnership (Local Strategic Partnership) and the West Yorkshire Integrated Transport Authority. The continued working with these partners will aid the delivery of the Core Strategy objectives.
- 6.35 The Council will work together with water supply and sewerage companies to ensure that water and wastewater requirements are put in place alongside planned growth to avoid adverse environmental impacts and to improve water quality.
- 6.36 For individual developments, developers, working in conjunction with the Council, will be required to demonstrate that there is adequate infrastructure capacity both on and off site to serve their development. Where there is a capacity problem developers will be expected to fund or to contribute towards the necessary improvements or new provision to serve needs arising from their development.
- 6.37 The Council has also demonstrated partnership working with infrastructure delivery partners, through the preparation of the Local Infrastructure Plan (LiP), which sets out how the Core Strategy will be supported by appropriate infrastructure. The LiP identifies gaps in infrastructure to serve the Districts existing population and sets out future infrastructure needs as a result of developments arising from the Core Strategy. The preparation of this LiP has involved working with both internal and external partners to identify the specific infrastructure projects to be delivered, focusing on a range of social, physical, environmental and green infrastructure. The Infrastructure Delivery Schedule is set out in the Local Infrastructure Plan to identify what new or improved infrastructure is planned, who will be involved and the resource implications. This will be monitored and reviewed as necessary.
- 6.38 This Infrastructure Delivery Schedule summarises the key pieces of infrastructure required by the Core Strategy over the lifetime of the plan. It will be monitored, as part of the Annual Monitoring Report process, and reviewed and updated to ensure that appropriate infrastructure is being delivered.
- 6.39 The Infrastructure Delivery Schedule will be used to provide a detailed investment plan of infrastructure requirements in the District and this will help the Council better negotiate levels of planning contributions related to areas of particular need and inform the phasing approach to housing.
- 6.40 Policy ID4 and policy ID5 seek to ensure vital infrastructure is planned and delivered through effective partnerships to support development throughout the District; in particular to support growth identified in this Core Strategy and to target areas with infrastructure deficiencies.



**Policy ID4: Working with Partners**

The Council, as part of the Duty to Cooperate (Localism Act 2011), will work with a range of partners, including neighbouring authorities, Leeds City Region Local Enterprise Partnership, the Local Strategic Partnership, West Yorkshire Integrated Transport Authority, infrastructure providers, private sector bodies and stakeholders, to ensure that requirements for new infrastructure and services can be met.

In partnership, the future need and delivery of new infrastructure will be explored and site opportunities for new or enhanced infrastructure will be identified. Planned infrastructure will be set out in an Infrastructure Delivery Schedule (part of the Local Infrastructure Plan) which will be updated, where necessary, to incorporate partners' future plans. Future infrastructure provision will also be taken into account during the production of the Bradford City Centre AAP, Shipley and Canal Road Corridor AAP and the Land Allocations DPD.

6.41

The Council with its partners will take a proactive role in facilitating development and associated infrastructure. The following policy ID5 seeks to ensure that the council makes efficient and effective use of tools available to facilitate growth and infrastructure provision.

**Policy ID5: Facilitating Delivery**

The Council will support the sustainable growth of the District and the targeted approach of the Development Plan Documents whilst ensuring that infrastructure can be provided through the following mechanisms:

- A. As land owners, the Council and other public sector organisations have an opportunity to consider how its decisions on the future use of its sites can support the vision and policies in the Core Strategy DPD, and maximise the use of publicly owned land and buildings to enable sustainable and inclusive development.
- B. Area Action Plan DPDs and Supplementary Planning Documents will be prepared to deliver key development proposals and infrastructure where necessary.
- C. The co-location of facilities will be welcomed where this will meet greater infrastructure needs and in order to increase public access.
- D. The Local Infrastructure Plan and Infrastructure Delivery Schedule will be reviewed and updated to ensure that there is commitment to delivery from infrastructure providers.

## Simplified Planning

### Introduction

6.42

The government's priority is to simplify and speed up the planning system to encourage development and economic growth. The Council will consider a series of tools for planning simplification to facilitate efficient and effective delivery of development as outlined in the policy ID6 below:

#### **Policy ID6: Simplification of planning guidance to encourage sustainable development**

**A. The Council will consider the use of a combination of the following tools to simplify planning guidance to facilitate efficient and effective delivery of sustainable development:-**

- 1. Simplified Planning Zones (SPZs) – defined areas in which specific forms of development can proceed without the need for planning permission.**
- 2. Planning Performance Agreements (PPAs) – contracts between the Council as local planning authority and a developer that sets out key details of a proposed scheme and clear timescales for reaching a decision in an efficient and effective manner.**
- 3. Article 4 Directions – providing clarity on what types of schemes can go ahead through permitted development rights and what types of schemes will require planning applications.**
- 4. Local Development Orders/Neighbourhood Development Orders/Community Right to Build Orders (LDOs/NDOs/CRBOs) – introduces (through a local referendum) new permitted development rights for certain forms of development without the need to apply for planning permission.**
- 5. Supplementary Planning Documents (SPDs) – to help bring forward development and aid infrastructure delivery by building upon policies and proposals in the DPDs.**

**The Council will also consider the use of other innovative tools in partnership with central government to help simplify planning guidance.**

6.43

The Council is already using a number of the tools above, including Planning Performance Agreements and Supplementary Planning Documents. In addition to the above tools, the Council already encourages early pre application discussions and provides a comprehensive pre application service, including a Major Development Team approach to major development schemes.

6.44

The aim of the pre application service for major developments is to provide greater certainty and clarity to applicants and developers by identifying planning issues and requirements at the earliest possible stage and speed up the planning process. Furthermore it can help to minimise a developer's subsequent planning application costs and avoid abortive applications. The Councils Regulatory and Appeal Committee on 9th

March 2011 authorised the use of Planning Performance Agreements (PPAs) in line with the PPA Charter.

6.45 The Council also provides Duty Planning Officer Service to provide informal advice on small scale schemes.

6.46 The Council's customer engagement initiative, The Agents & Developers Forum, seeks to build a good understanding and working relationship with regular users of the Councils Planning Service so as to ensure continual improvement to planning application and decision taking processes.

6.47 The Leeds City Region Local Enterprise Partnership has developed a charter called '*Leeds City Region Planning Charter for Major Investment Proposals - 2012*' which sets out how the Local Planning Authorities and Developers will work together to ensure that proposals major new investments will be dealt with in an efficient and effective way throughout the city region. The Charter represents the first step towards creating a seamless service for investors wherever they choose to locate in the city region. The Council is committed to the '*Leeds City Region Planning Charter for Major Investment Proposals – 2012*' and will continue to through the use of the tools highlighted above to ensure an efficient and effective development plan making and decision taking process.

## Community Involvement

### Introduction

6.48 In line with the Localism Act 2011 and the National Planning Policy Framework, the Council is fully committed to early engagement with communities and key stakeholders as part of plan making and development of planning applications.

#### Policy ID7: Community Involvement

**A. The Council will seek to ensure that local community, stakeholders and other interested parties are engaged in an early, meaningful and collaborative way on:**

- 1. Local Plan Documents,**
- 2. Planning Applications**

6.49 The Council's Statement of Community Involvement (SCI) currently sets out how this will be achieved for both Local Plan documents and planning applications. The same principles should also be followed when communities prepare neighbourhood plans.

6.50 Consultation and engagement on the Local Plan is undertaken in line with relevant regulations and the SCI. Engagement plans will set out at key stages the intended approach relevant to that document and stage of preparation.

6.51

Early engagement in the development of development proposals should be undertaken both with the Council and also local communities. To this end pre application discussions are encouraged.

## Regeneration Funding and Delivery

### Introduction

6.52

The Council recognises its enabling role in supporting economic growth. Central Government is encouraging local authorities to use a range of funding and delivery models to help stimulate economic development.

### Policy ID8: Regeneration Funding and Delivery

**A. The Council, in its role as enabler, will continue to use existing and new tools to promote and incentivise economic growth and regeneration, such as:**

1. **Local Asset Backed Vehicles (LABVs)**
2. **Joint European Support for Sustainable Investment in City Areas (JESSICAs)**
3. **Joint European Resources for Micro to Medium Enterprises Initiative (JEREMIE)**
4. **Infrastructure Financing from Institutional Investments**
5. **Prudential Borrowing from the Public Works Loan Board (PWLB)**
6. **Voluntary Development Partnerships**
7. **Business Improvement Districts (BIDS)**
8. **Community Land Trusts (CLT)**
9. **Tax Increment Financing (TIFs)**
10. **Regional Growth Fund**
11. **Local Growth Fund**
12. **Local Incentive Backed Vehicles (LIBVs)**
13. **Multi Use Infrastructure Procurement**
14. **New Homes Bonus (NHB)**
15. **Homes & Communities Agency - Local Infrastructure Fund**
16. **Growing Places Fund**
17. **Leeds City Region Revolving Investment Fund (RIF)**
18. **Proceeds from Disposal of Assets**
19. **Business Rate Retention**
20. **Community Infrastructure Levy (CIL)**
21. **West Yorkshire Plus Transport Fund**

- 6.53** The Council is using a number of funding models and delivery tools in its regeneration priority areas. For example, the Council has established a Joint Venture Company with Arnold Laver Group in the Shipley Canal Road Corridor regeneration area and is using Local Asset Backed Vehicle (LABV) to pool together sites to create greater economies of scale and place making synergies. The Council has been innovative in the provision of a commercial loan to the developer of the Southgate scheme in Bradford City Centre during a period when obtaining bank funding was difficult.
- 6.54** The Council in its role as enabler will continue to explore the use of innovative funding models and delivery instruments to unlock economic potential of the District and deliver the growth proposed by the Core Strategy.
- 6.55** Government guidance emphasises the need to demonstrate how plans in Core Strategies will be delivered and deliverability is a main test of the soundness of the document. The approach of this Delivery and Implementation section clearly shows how the Council through the Bradford District Core Strategy seeks to ensure a deliverable plan. Together the policies in this section and Infrastructure Delivery Schedule demonstrate the ability of the Council to work in partnership with infrastructure providers and that there are sufficient plans and programmes to support developments in the District.
- 6.56** As part of the process of preparing the Local Plan it will be necessary to identify how the policies and proposals contained within it will be delivered. Where possible the agencies responsible, the resources required and the timescales for implementation should be identified.



Shipley Canal Road Corridor

## Section 6 Implementation and Delivery

POLICY	LEAD AGENCIES
Policy ID1 Development Plan Documents and Annual Monitoring Report	CBMDC
Policy ID2 Viability	CBMDC, Public sector, Private sector
Policy ID3 Developer Contributions	CBMDC, Public sector, Private sector
Policy ID4 Working with Partners	CBMDC, Public sector, Private sector

POLICY	LEAD AGENCIES
Policy ID5 Facilitating Delivery	CBMDC, Public sector, Private sector
Policy ID6 Simplification of planning guidance to encourage sustainable development	CBMDC, Public sector, Private sector
Policy ID7 Community Involvement	CBMDC, Public sector, Private sector
Policy ID8 Regeneration Funding & Delivery	CBMDC, Public sector, Private sector

### Key Linkages for Implementation and Delivery

EVIDENCE
Local Infrastructure Plan Local Plan Core Strategy Viability Assessment

NPPF
Policy ID1 is in conformity with NPPF <i>Paragraphs 17, 153, 183, 184</i>
Policy ID3 is in conformity with NPPF <i>Paragraphs 203, 204, 205</i>
Policy ID4 is in conformity with NPPF <i>Paragraphs 17, 178, 179, 180, 181</i>
Policy ID5 is in conformity with NPPF <i>Paragraphs 17, 162, 177</i>
Policy ID6 is in conformity with NPPF <i>Paragraphs 17, 185, 195, 199, 200, 201, 202</i>
Policy ID7 is in conformity with NPPF <i>Paragraphs 17, 155, 189</i>
Policy ID8 is in conformity with NPPF <i>Paragraphs 17</i>