
BROXTOWE LOCAL PLAN – Appendix 13

Developers' contributions to integrated transport measures (Policy T1)

The following Interim Transport Planning Statement (ITPS) on Integrated Transport Measures and Developers' Contributions was produced by the County and City Councils in November 2001, adopted by them in May 2002 and endorsed by the Borough Council in July 2002 for use in considering relevant applications. A summary leaflet is available on request from the Borough Council.

INTERIM TRANSPORT PLANNING STATEMENT

Integrated Transport Measures and Developers' Contributions

A. BACKGROUND

Introduction

1. The County and City Councils have produced this Interim Transport Planning Statement (ITPS) in order to provide clarity and advice regarding the implementation of the policy on developer contributions towards integrated transport measures. The up-dated policy is required to bridge the gap between the Nottinghamshire Structure Plan Review (adopted November 1996) and the Local Transport Plans for Greater Nottingham and North Nottinghamshire (published July 2000). However, because it is an evolution of existing Structure Plan Policy, it has been produced as an ITPS rather than Supplementary Planning Guidance. As such, it puts into practice the guidance in the revised PPG12 "Development Plans" (December 1999), which advocates the use of ITPSs in advance of changes to the development plan, where such changes are required to provide an up-to-date planning strategy for the local transport plan to take into account.

Structure Plan Policy 5/4 and the new national policy framework since November 1996

2. The Structure Plan pre-dated the government's new policy for transport set out in the White Paper of July 1998, which, amongst other things, promoted the importance of integrating land use planning and transport provision. Nevertheless, Structure Plan Policy 5/4 and supporting text introduced the requirement for major development to contribute towards the costs of public transport measures. Subsequent policy documents have demonstrated not just that this approach was appropriate, but also the need to extend the scope of the policy from major development to all significant development and for contributions towards integrated transport measures rather than just public transport. In particular:-

a) Transport White Paper - July 1998

The Government's White Paper 'A New Deal for Transport: Better for Everyone' on the future of transport (July 1998) aims for an integrated transport policy with more sustainable transport choices. Local Transport Plans (LTPs) are a centrepiece of the proposals, and guidance on the preparation of LTPs states that these should include:-

- local targets e.g. for cycling, walking, public transport and road traffic reduction
- future investment plans and proposed packages of measures to meet local transport needs. Public-private partnerships will finance major local transport schemes where appropriate.

b) Revised PPG13 – March 2001

The revised PPG13 “Transport” introduces a new policy framework for transport issues within the planning system. This states: -

“Planning obligations may be used to achieve improvements to public transport, walking and cycling, where such measures would be likely to influence travel patterns to the site involved, either on their own or as part of a package of measures”.

c) Circular 1/97

Government Policy relating to developer contributions was revised in 1997 in the form of Circular 1/97 “Planning Obligations”. This sets out five key tests on what a Planning Obligation should be, i.e.: -

- i) necessary;
- ii) relevant to planning;
- iii) directly related to the proposed development;
- iv) fairly and reasonably related in scale and kind to the proposed development;
- v) reasonable in all other aspects.

It goes on to state in Annex B2:-

“Planning obligations may involve transport-related matters (e.g. pedestrianisation, street furniture and lighting, pavement and road surfaces - design and materials, and cycle ways).”

Local Transport Policy - Local Transport Plans 2001/2 - 2005/6

3. In July 2000, the County and City Councils published a joint LTP for Greater Nottingham and the County Council published a further LTP for North Nottinghamshire as required by Government. Both LTPs acknowledge the need to seek developer contributions to fund appropriate integrated transport measures and make specific reference to the ITPS.

Consultation

4. There is a requirement on local authorities in developing an ITPS to undertake appropriate consultation. The ITPS was originally issued for consultation, before the publication of the 1999 edition of PPG12, as draft Joint Supplementary Planning Guidance. However, following the guidance within PPG12, the two authorities decided that an ITPS was more appropriate.

The following table sets out the consultation undertaken in support of this ITPS: -

Dates	Consultees	Nature of consultation
January 1999		County and City Council Committee approvals of first draft JSPG
February 1999	Government Office for the East Midlands (GOEM), District Councils	Seminar to discuss first revised draft of JSPG
March 1999	GOEM, District Councils	Written submissions on first revised draft
April 1999		County and City Council Committee approvals of second draft JSPG
March - June 1999	Interested parties	Wider consultation over the provisional local transport plans, which made explicit reference to the JSPG
June 1999	Developers, District Councils, GOEM, other interested parties	Seminar to discuss second revised draft of JSPG
September 1999	Developers, District Councils, GOEM, other interested parties	Written submissions on second revised draft
December 1999 – January 2000		Consultancy study into land values and the impact of the JSPG
January 2000	Developers, District Councils, GOEM, other interested parties	Further seminar to discuss third revised draft of JSPG
March 2000	Developers, District Councils, GOEM, other interested parties	Written submissions on third revised draft
March - June 2000	Interested parties	Further consultation over the full local transport plans, with explicit reference to the ITPS
July 2000		Fourth revised draft put to City & County Committees as an ITPS for further round of consultation.
Aug 2000 - July 2001		District Council discussions.

B USE AND SCOPE OF THE ITPS

Use of the ITPS and incorporation into the development plan

5. It is the intention to incorporate this ITPS into the next revision of the Nottinghamshire Structure Plan. In the meantime, it should be used by the following:-
- a) The County Council; through strategic consultations on both Local Plan Policies and planning applications, and in the development and implementation of Local Transport Plans.
 - b) The City Council; through strategic consultations on both Local Plan Policies and planning applications, through preparation of Local Plan Policies, when determining planning applications, and in the development and implementation of Local Transport Plans.
 - c) District/Borough Councils; through preparation of Local Plan Policies and when determining planning applications.
 - d) The development industry; by providing developers and landowners with as much information as possible at an early stage on the principles to be used in negotiating developer contributions.
 - e) Interest groups and the general public; by stating what is required to meet the objectives and policies of the Structure Plan to secure sustainable development which involves the formation and implementation of integrated transport measures.

Scope of the ITPS

6. It is intended that the ITPS should clarify the relationship between the following measures which a local authority may seek from a developer, all of which support integrated transport objectives: -
- a) Provision of on-site walking, cycling and public transport measures such as footways and bus shelters.
 - b) The provision or funding of off-site measures to ensure that on-site facilities will be effective.
 - c) The provision or funding of necessary local highway infrastructure improvements designed to cater for additional private road-based traffic, where this is based on a target for reduced traffic levels.
 - d) Contributions to off-site public transport, cycling and walking measures, in the general area or corridor within which the development lies, including road-based improvements such as bus lanes.

In particular, the ITPS is primarily concerned with providing guidance on the level of contributions that will be sought for 6(d).

7. It is intended that use of the ITPS will be an integral part of the Transport Assessment procedure and will provide the framework to negotiate contributions towards integrated transport measures. The TA will examine travel to and from

the site by all modes of transport and identify the modal share targets it seeks to achieve. These targets must work towards the objectives of the LTP. The TA will then identify the measures required to accommodate the travel movements, assessed against a background of reduced traffic growth in line with the targets detailed in the relevant LTP. To be consistent with these targets, an additional requirement to assist the local authority in achieving the necessary modal shift will be considered. This requirement will be in the form of a financial contribution towards integrated transport measures. Appendix A provides guidance for the typical amounts that will be sought. The contributions will be allocated against identified schemes within the general area or corridor within which the development lies. Examples of such schemes include:-

- Bus Quality Partnership elements, bus priority measures and bus stop facilities
 - Public Transport Revenue support
 - Extension and improvement of the cycling network and of pedestrian facilities
 - New light and heavy rail infrastructure
 - Park and Ride
 - Traffic management
 - Pedestrianisation schemes
 - Other transport measures and highway infrastructure to support public transport modes
8. Local authorities will also seek provision of 6(a), 6(b) and 6(c) above, but the ITPS does not provide guidance figures for the cost of these other items, and these costs are not incorporated in the table in Appendix A.
 9. As detailed in paragraph 12, if a developer proposes integrated transport measures in 6(a), 6(b) or 6(c) that also contribute towards an overall reduction in background traffic then there will be a reduced or possibly nil financial contribution under 6(d).
 10. This ITPS allows for the City Council and District/Borough Councils through their Local Plan Policies, and in negotiations over development proposals, to seek contributions wherever they consider the development would have a material impact on transport. This applies in principle to all types of development, though Appendix A gives guidance figures only for the main categories. Section D below gives guidance on the scale and size of development which is likely to have this impact, and suggested minimum sizes are given in Appendix A.

Planning obligations for non-transport measures

11. While this ITPS has been prepared specifically for contributions to integrated transport measures, the County Council, City Council and District/Borough Councils will also be seeking contributions towards a variety of other measures e.g. public open space, community facilities etc. This ITPS should not prejudice negotiations between the developer and the local planning authority in respect of these other contributions.

C CONTRIBUTIONS TO PUBLIC TRANSPORT, CYCLING AND WALKING MEASURES

12. Appendix A provides guidance on the appropriate level of contributions to public transport, cycling and walking measures for different types of development, and these figures will be reviewed annually to ensure they remain at appropriate levels in line with inflation. Negotiations to determine the actual contribution for any particular development should consider this guidance and, if the contribution is agreed for a future date, allowances should be made for agreed anticipated inflation. However each case will need to be considered on its own merits, in accordance with Circular 1/97, and, therefore, the level of contribution may vary from the guidance figure for a number of reasons: -

a) Substitution element

Some or all of the developer contributions may be offset or substituted if developers offer alternative, specific transport measures to reduce car use. Such provision will be over and above the standard provision highlighted in 6(a), 6(b) and 6(c) above, and could include, for example, dedication of land controlled by the developer for future integrated transport proposals.

b) Local circumstances

Local circumstances may merit an alteration in the level of contribution. Examples include where: -

- the site has an existing use which itself generates transport demand, or the last use of the site (up to 5 years ago) generated transport demand. The increase in the demand for travel associated with the new development will therefore be less, and an amended contribution considered accordingly.
- employment development (and exceptionally other types of development) helps alleviate problems in the disadvantaged areas and outer estates in the City, those areas traditionally dependent on mining and other areas suffering high levels of social need. This reflects policy 1/4 of the Nottinghamshire Structure Plan Review.
- other development costs are exceptionally high e.g. reclamation of previously used land.

13. The above examples would make appropriate a reduction in the guidance figures in Appendix A. There may also occasionally be circumstances where the merits of the development in question would cause an increase in the guidance figures. Examples would be where the costs of essential transport measures, for local reasons, are anticipated to be exceptionally high.

14. Nottingham City Council is proposing workplace parking charges, and if implemented a review of the figures in Appendix A may be needed.

D DERIVATION OF FIGURES IN APPENDIX A

15. The guidance figures in Appendix A are based on a number of factors. The overall levels are based on the total 'package' of integrated transport measures defined in the two Local Transport Plans, and an estimate for the total proportion of transport demand created by new development provided for in the Structure Plan. The specific figure for any given development is also influenced by its trip generation potential, since additional trip generation as a result of new development provides the justification for securing contributions from developers towards public transport, cycling and walking measures that will help achieve modal shift. Standard trip generation models for different types of development have been employed.

Further details are as follows: -

a) Area of the County ("Area factor")

Sub-areas correlate with those covered by the Local Transport Plans for Nottinghamshire. Greater Nottingham comprises the City of Nottingham and the surrounding districts namely Broxtowe, Gedling and Rushcliffe together with the Hucknall area of Ashfield. North Nottinghamshire comprises the districts of the Mansfield, Bassetlaw, Newark and Sherwood and the remainder of Ashfield. For North Nottinghamshire, contributions will be half of those sought to the Greater Nottingham area as the necessary contribution to public transport, cycling and walking measures will be less as there are less demands on the road network.

b) Development location

The amount of contribution reflects the likely costs of public transport, cycling and walking measures required to serve a development as a result of its location. In general, urban centre development will reduce the need to travel, and generate shorter journey distances and, therefore, the contribution should be lower than that for out of town development. Costs vary depending on the following locations: -

- Nottingham City Centre - including extended City Centre Car Parking Standards Area defined in the local plan adopted in 1997. This definition will be revised in the emerging Nottingham City Local Plan.
- Within and edge of central areas defined in development plans. Edge of centre to represent 300m walking distance as defined in PPG6.
- Elsewhere within the urban area (including new development adjoining existing urban areas), named settlements/village envelopes, and public transport corridors.
- Elsewhere.

In Greater Nottingham there are four specifically named Public Transport Corridors identified in the Structure Plan i.e. Nottingham to Bingham, to Trowell, to Eastwood, and to Hucknall respectively. Outside South Nottinghamshire no public transport corridors are defined, but routes well served by rail and/or frequent bus services may qualify. There is no rigid definition of public transport corridor boundaries, which will vary by location according to the relationship with travel choice, distance from public transport facilities and the capacity available on the transport network.

c) Development type

Different types of development have different transport impacts per day per hectare. In ascending order: -

- Employment (B1 other than office, B2 and B8)
- Employment (B1a - office)
- Residential
- Non-Food Retail
- Food Retail

In order to produce the table in Appendix A, an allowance has also been made for the likely intensity of development.

All other development, including commercial leisure, tourism, health and education, should contribute where it has a material impact on transport. However, no specific guidance figures are given in Appendix A, and each development proposal will be treated on a case by case basis.

d) Scale or size of development

In general, the contribution should be proportional to the size of the development. However, a minimum size has been suggested for the categories of development detailed in Appendix A. The thresholds are based on guidance given in PPG13 and emerging national guidance on Transport Assessments.

For residential development, development scale will be measured in Hectares of Net Developable Area. For retail and employment development this will be measured in Gross Floor Area.

Where an aggregation of small development is considered to have a cumulative material impact on transport, the local authority may decide to waive these lower limits.

E NEGOTIATION

16. Negotiation will be carried out by the relevant planning authority (and/or where appropriate the highway authority) as part of wider development negotiations. Preliminary negotiations for larger sites are likely to take place during the preparation of Local Plan Policies. Detailed levels of contribution will be finalised at planning application stage and secured through a Section 106 Agreement. County Council and City Council officers will have input to this process through strategic consultations on both Local Plan Policies and planning applications.
17. Section 106 Agreements should be negotiated and completed by anyone with an interest in land (usually the developer), and by the relevant planning and highway authorities as appropriate. The timing for the release of funds by the developer will depend on the timescale and phasing of the development, and will be specified in the agreement. It may be appropriate to phase payments for larger scale development.

18. Where outline planning permission only is being sought, the level of developer contributions should still be established, along with the timing of release of funds, and secured through a S106 Agreement.

F USE OF CONTRIBUTIONS FOR PUBLIC TRANSPORT, CYCLING AND WALKING MEASURES

19. The use of monies secured through negotiation for off-site public transport, cycling and walking measures will be programmed according to priorities set in the Local Transport Plans, and/or reflected in Local Plans or agreement with the relevant Local Authorities. It is essential to ensure that developers can see the results of their individual contributions. The Section 106 Agreement will, therefore, specify the package of measures on which the contributions will be used. Packages will become more definitive as Plans progress and it becomes clear what level of new development will be accommodated in each strategic sector/sub-area.
20. All agreements must meet the requirements of Circular 1/97. In order to do this, measures must be directly related to the proposed development. Therefore, in most cases, they will be contained within the appropriate sub-area as defined in the Local Transport Plan. Furthermore, within Greater Nottingham, measures will normally be contained within the appropriate strategic sector. There are 6 strategic sectors as illustrated on Map 1.
21. In all cases, the possibility is allowed for that measures may be implemented within a different local authority from that in which the development is located, or across local authority boundaries.

Mechanisms for payment of contributions

22. In all cases, contributions will be passed directly by the developer, either to the relevant local planning authority, or to the appropriate highway authority. Where contributions are made to measures situated outside the local authority area in which the development lies, the highway authority will be the one in which the transportation measure is to be implemented.
23. The authority which holds the funds until the measure is implemented will be decided during the negotiation phase, and will depend on the types of measures to be funded; the scale of the payments; and the wishes of the authorities and the developer concerned.
24. Monies must normally be spent within 5 years of receipt, unless agreed otherwise with the developer.

APPENDIX A - DEVELOPER CONTRIBUTIONS

Greater Nottingham - (City, Broxtowe, Rushcliffe, Gedling and Hucknall area of Ashfield)

Table 1

Development Factor	Suggested Minimum Size	Within City Centre & extended City Centre Car Parking Standards Area (as adopted in 1997 Local Plan)	Within and edge of other Central Areas such as District Centres and Local Centres	Within Village Envelopes & named settlements, within and adjoining main urban areas and along Public Transport Corridors	Elsewhere
FOOD RETAIL Per 1,000m ² gfa	1,000m ² gfa	30 K	60 K	120 K	180 K
NON-FOOD RETAIL Per 1,000m ² gfa	1,000m ² gfa	15 K	30 K	60 K	90 K
RESIDENTIAL Per Net Developable Hectare (or per 125 bedrooms for developments greater than 125 bedrooms per hectare eg apartments)	50 bedrooms or 0.4 Net Developable Hectares - whichever the smaller	7.5 K	15 K	30 K	45 K
B1(a) OFFICE EMPLOYMENT Per 1,000m ² gfa	2,500m ² gfa	5 K	10 K	20 K	30 K
OTHER 'B' USE EMPLOYMENT Per 1,000m ² gfa	5,000m ² gfa	2 K	4 K	8 K	12 K
COMMERCIAL, LEISURE, TOURISM, HEALTH AND EDUCATION	DETERMINE LOCALLY	DETERMINE LOCALLY	DETERMINE LOCALLY	DETERMINE LOCALLY	DETERMINE LOCALLY

The boundaries of these development locations should be specified in Development Plans. Edge of centre refers to the PPG6 definition of 300m walking distance.

North Nottinghamshire (Newark and Sherwood, Bassetlaw, Mansfield and remainder of Ashfield)

Table 2

Development Factor	Suggested Minimum Size	Within and edge of Central Areas such as Town/District Centres and Local Centres	Within Village Envelopes & named settlements, within and adjoining main urban areas and along Public Transport Corridors	Elsewhere
FOOD RETAIL Per 1,000m ² gfa	1,000m ² gfa	30 K	60 K	90 K
NON-FOOD RETAIL Per 1,000m ² gfa	1,000m ² gfa	15 K	30 K	45 K
RESIDENTIAL Per Net Developable Hectare (or per 125 bedrooms for developments greater than 125 bedrooms per hectare eg apartments)	50 bedrooms or 0.4 Net Developable Hectares - whichever the smaller	7.5 K	15 K	22.5 K
B1(a) OFFICE EMPLOYMENT Per 1,000m ² gfa	2,500m ² gfa	5 K	10 K	15 K
OTHER 'B' USE EMPLOYMENT Per 1,000m ² gfa	5,000m ² gfa	2 K	4 K	6 K
COMMERCIAL, LEISURE, TOURISM, HEALTH AND EDUCATION	DETERMINE LOCALLY	DETERMINE LOCALLY	DETERMINE LOCALLY	DETERMINE LOCALLY

The boundaries of these development locations should be specified in Development Plans. Edge of centre refers to the PPG6 definition of 300m walking distance.