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Public Transport Improvements and Developer Contributions

Leeds Local Development Framework



Supplementary Planning Document
August 2008

K605 HUG

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(Bengali):-

যদি আপনি ইংরেজিতে কথা বলতে না পারেন এবং এই দলিলটি বুঝতে পারার জন্য সাহায্যের দরকার হয়,
তাহলে দয়া করে 0113 247 8092 এই নম্বরে ফোন করে আপনার ভাষাটির নাম বলুন। আমরা তখন
আপনাকে লাইনে থাকতে বলে কোন দোভাসির (ইন্টারপ্রিটার) সাথে যোগাযোগ করব।

(Chinese):-

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(Hindi):-

यदि आप इंग्लिश नहीं बोलते हैं और इस दस्तावेज को समझने में आपको मदद की ज़रूरत है,
तो कृपया 0113 247 8092 पर फोन करें और अपनी भाषा का नाम बताएँ। तब हम आपको
होल्ड पर रखेंगे (आपको फोन पर कुछ देर के लिए इंतजार करना होगा) और उस दौरान हम
किसी इंटरप्रिटर (दुभाषण) से संपर्क करेंगे।

(Punjabi):-

ਅਗਰ ਤੁਸੀਂ ਅੰਗਰੇਜ਼ੀ ਨਹੀਂ ਬੋਲਦੇ ਅਤੇ ਇਹ ਲੇਖ ਪੱਤਰ ਸਮਝਣ ਲਈ ਤੁਹਾਨੂੰ
ਸਹਾਇਤਾ ਦੀ ਲੋੜ ਹੈ, ਤਾਂ ਕਿਰਪਾ ਕਰ ਕੇ 0113 247 8092 ‘ਤੇ ਟੈਲੀਫੋਨ ਕਰੋ ਅਤੇ
ਅਪਣੀ ਭਾਸ਼ਾ ਦਾ ਨਾਮ ਦੱਸੋ। ਅਸੀਂ ਤੁਹਾਨੂੰ ਟੈਲੀਫੋਨ ‘ਤੇ ਹੀ ਰਹਿਣ ਲਈ ਕਹਾਂ ਗੇ, ਜਦ
ਤਕ ਅਸੀਂ ਦੁਭਾਸ਼ੀਏ (Interpreter) ਨਾਲ ਸੰਪਰਕ ਬਣਾਵਾਂ ਗੇ।

(Urdu):-

اگر آپ انگریزی نہیں بولتے ہیں اور آپ کو یہ دستاویز سمجھنے کیلئے مدد کی ضرورت ہے تو ہمہ بانی اس نمبر 0113 247 8092 پر فون کریں
اور ہمیں اپنی زبان کا نام بتائیں۔ اس کے بعد ہم آپ کو لائے پڑی انتظار کرنے کیلئے کہیں گے اور خود تجھان (انٹرپریٹر) سے رابطہ کریں گے۔

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Summary

Planning obligations or “section 106 (S106) agreements” are an established and valuable mechanism for securing planning matters arising from a development proposal. They are commonly used to bring development in line with objectives of sustainable development as articulated through the relevant local, regional and national planning policies (Practice Guidance DCLG 2006b).

- 1.1 Planning contributions (or obligations) secured by section 106 agreements linked to new development are now an established mechanism for securing improvements to public transport. They are widely used to bring development in line with sustainability requirements, for encouraging accessible public transport provision and for securing more sustainable patterns of transport development. “Planning contributions, however, will always depend on the nature of the proposed development”.

- 1.2 This guidance, therefore, sets out:
- When an applicant for new development in Leeds will be required to make a contribution toward public transport improvements or enhancements.
 - What type and level of contribution will be required.
 - What legal and financial procedures will be in place to regulate the contributions made.
 - The range of public transport infrastructure improvements and enhancements for which contributions will be used.
- 1.3 Only those developments which have a significant local travel impact will be subject to the requirement for paying a contribution towards public transport enhancements. Accordingly the requirement for a contribution only applies to development proposals over the following thresholds:

Use	Floor space minimum size threshold
Food retail	250 sqm
Restaurants and cafés	300 sqm
Offices	1500 sqm
General industrial	2500 sqm
Hotels	75 beds
Hospitals and nursing homes	30 beds
Residential (dwelling houses and flats)	50 units
Non-residential institutions	500 sqm
Assembly and leisure	500 sqm

- 1.4 The guidance also contains practical advice on the required process for paying developer contributions to help minimise the risk of delays in the planning process.



Background

2.1 What are developer contributions

2.1.1 Developer contributions are contributions, either in kind or in the form of a financial payment, made by developers or applicants towards the cost of public transport infrastructure or enhancements which are needed as a result of the transport impact of a development. They are normally secured by the Local Planning Authority by means of a section 106 planning agreement (TCPA 1990) attached to the planning consent, which requires the agreed contribution (if financial) or works (if in kind) to be made or completed by an agreed date (normally the occupation of the development).

2.2 Why are developer contributions to public transport necessary

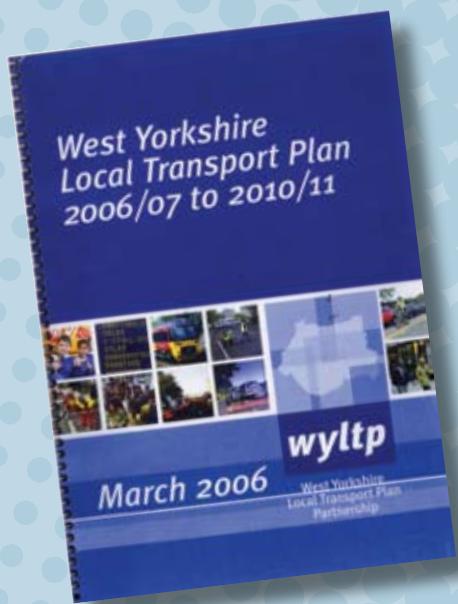
2.2.1 Contributions towards the cost of public transport improvements or enhancements are necessary in order to:

- help address the travel impact of a proposed development (i.e. the trips to and from the site that it will generate)
- ensure compliance with the objectives of PPG13 i.e. to promote more sustainable transport choices, to promote accessibility by public transport and to reduce the need to travel, especially by car (DETR 2001)

- reflect the fact that (unlike vehicular access arrangements) provision of public transport services or enhancements are normally outside the scope and control of individual applicants and developers
- assist the Local Planning Authority and the Local Transport Authorities to finance and provide for the cumulative impact of individual new developments on the infrastructure, capacity and operation of public transport services in Leeds.

2.3 What will the contributions be used for

2.3.1 The contributions will be used to help finance and deliver the programme of public transport improvements and enhancements for Leeds identified in the Leeds City Region Transport Vision (LCRTV2007), the Local Transport Plan 2 (WYLT 2006) and the emerging documents of the Local Development Framework. A full list of schemes is given in Appendix 1.



2.3.2 These improvements and enhancements have been designed to provide the transport enhancements and additional capacity necessary to accommodate the demand generated by new development.

2.3.3 This schedule of schemes and enhancements detailed in Appendix 1 will be regularly updated (via the Annual Monitoring Report of the LDF) to take account of:

- (a) completed schemes
- (b) the requirements for new schemes and enhancements arising from future developments and transport initiatives (identified in Area Action Plans or the Local Transport Plan but not as yet anticipated).

2.3.4 In the case of those new developments located in the city centre (as defined in the Leeds Unitary Development Plan) contributions will be used to help deliver the necessary public transport enhancements throughout the city, with the proviso that, in each case, it can be demonstrated that there is a direct relationship between the development and the infrastructure provided. This direct relationship will normally be demonstrated on the basis that new development in the city centre will generate its travel demand (i.e. trip origins) from all parts of the city's public transport network.

2.3.5 In the case of new developments located outside the defined city centre contributions will be used to help finance the necessary public transport enhancements scheduled for that sector/ corridor of the city in which the development is located (see Appendix 1 for schedule of improvements listed by sector).

2.3.6 The contributions will not however be used to contribute to basic public transport site access provision such as pedestrian links, bus stops, shelters, and real time displays which should be provided as standard for all developments (see 4.3 below)

2.4 What are the benefits for applicants and developers of paying contributions to public transport improvements

2.4.1 The additional cost to the developer (or applicants) of paying a public transport contributions can be offset against the following benefits:

- A reduced requirement for car parking spaces.
- A reduction in the cost of providing and maintaining car parking (normally £1,000-5,000 p.a. per space).
- Release of car parking spaces for development.
- Opportunities for a higher density development
- Opportunity to market/ promote a development offering sustainable transport choices.

Planning consent would not be granted unless the appropriate contribution (either financial or in kind) is made towards providing adequate public transport access.



Policy Context

3.1 Introduction

3.1.1 The policy context for land use planning in the UK is set at national level by planning policy guidance notes (PPG's) and statements (PPS's) and by Circulars, at regional level by the Regional Spatial Strategy for Yorkshire and the Humber (RSS) and the West Yorkshire Local Transport Plan (LTP2), and at local and district level by the Leeds Unitary Development Plan (UDP) and the emerging Local Development Framework (LDF). Relevant public transport policies are considered below:

3.2 National policy

3.2.1 Planning Policy Guidance Notes, Statements and Circulars set out the UK Government's policies on different aspects of land-use planning, and should be taken into account by Local Planning Authorities such as Leeds, when preparing their development plans or determining planning applications. Of particular relevance to this SPD are:

- PPS 1, 'Delivering Sustainable Development' (ODPM 2005a) which seeks "to reduce the need to travel and encourage accessible public transport provision in order to secure more sustainable patterns of transport development" and to "promote the more efficient use of land through higher density"

"Planning obligations may be used to achieve improvements to public transport..., 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."

(DETR, 2001).

- PPG13, 'Transport' (DETR 2001) which aims to:
 - (1) "promote more sustainable transport choices ..."
 - (2) "promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling"
 - (3) "reduce the need to travel especially by car".
- PPS3 Housing (DCLG 2006a) recommends that Local Authority design policies should be aimed at:
 - Creating places, streets and spaces which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character
 - Promoting designs and layouts which make efficient and effective use of land, including encouraging innovative approaches to help deliver high quality outcomes

And identifies the following matters to consider when assessing design quality including the extent to which the proposed development:

- is easily accessible and well-connected to public transport and community facilities and services, and is well laid out so that all the space is used efficiently, is safe, accessible and user-friendly,
- takes a design-led approach to the provision of car-parking space, that is well-integrated with a high quality public realm and streets that are pedestrian, cycle and vehicle friendly.

At the local level, Local Development Documents should set out a strategy for the planned location of new housing which contributes to the achievement of sustainable development. Local Planning Authorities should, working with stakeholders, set out the criteria to be used for identifying broad locations and specific sites taking into account:

- the contribution to be made to cutting carbon emissions from focusing new development in locations with good public transport accessibility and/or by means other than the private car and where it can readily and viably draw its energy supply from decentralised energy supply systems based on renewable and low-carbon forms of energy supply, or where there is clear potential for this to be realised,
- accessibility of proposed development to existing local community facilities, infrastructure and services, including public transport. The location of housing should facilitate the creation of communities of sufficient size and mix to justify the development of, and sustain, community facilities, infrastructure and services.

- PPS6 Town Centres (ODPM 2005b) is also aimed at delivering more sustainable patterns of development, promoting sustainable transport choices and providing alternatives to car use. It specifically advocates that “development sites should be accessible by a choice of means of transport especially public transport.”
- Circular 5/05 (ODPM 2005c) provides guidance to local authorities on the use of planning obligations/ contributions (under section 106 of the Town and Country Planning Act 1990) setting out the broad principles, policy tests and types of contribution that can be required.
- Planning Obligations Practice Guidance (DCLG 2006b) provides Local Authorities with practical tools and methods to help improve the development, negotiation and implementation of planning obligations.



3.3 Regional Policy

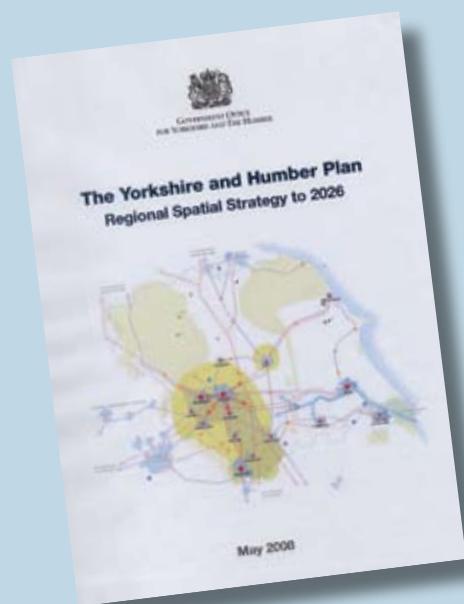
3.3.1 The Yorkshire and Humber Plan, Regional Spatial Strategy to 2026 (GOYH 2008) sets out the regional policy context with which policies at the local (Leeds) level must conform. It aims “to reduce travel demand, traffic growth and congestion, shift to modes with lower environmental impact and improve journey time reliability. This will require a range of complementary measures...including the improvement of public transport” It incorporates policies to:

- reduce traffic growth and promote public transport (YH2)
- improve public transport systems and services in regional cities (YH4)
- strengthen the roles of city and town centres as accessible and vibrant focal points for high trip generating uses (YH4 and 5)
- encourage constituent local authorities (including Leeds) both to adopt a transport oriented approach to new developments and ensure that development complies with the public transport accessibility criteria set out in the RSS (YH7)

3.3.2 The RSS also incorporates the Regional Transport Strategy, which includes in its headlines, the safeguarding and improvement of public transport infrastructure and services (T3), the reduction of travel demand, traffic growth and congestion (T1) and a consistent approach to parking strategies (T2).

3.3.3 The West Yorkshire Local Transport Plan 2006-2011 (WYLTP2 2006) drawn up by the Passenger Transport Authority and all the constituent local authorities (including Leeds) includes objectives to deliver accessibility, tackle congestion and improve air quality and policies to:

- Make bus stops more accessible (A1).
- Maintain public transport networks (A4).
- Raise awareness of public transport and improve information (A6).
- Embed accessibility in Local Development Frameworks (A7).
- Manage traffic demand (focussing on commuter journeys) (AQ1 and C2).
- Encourage more sustainable travel (AQ2).
- Encourage modal switch to public transport (C1).
- Promote sustainable land use planning policies and practices (C7).



3.4 Local policy

3.4.1 The Leeds Unitary Development Plan Review (UDP) (LCC 2006) is the adopted land use policy providing a framework for development for the whole of Leeds MD. The Review was adopted following Public Inquiry in July 2006, and includes policies to:

- “Encourage development in locations that will reduce the need for travel, and to promote the use of public transport and other sustainable modes” (SA2).
- Concentrate development “largely within or adjoining the main urban areas and settlements on sites that are or can be well served by public transport” (SP3).
- Improve “the quality and provision for alternative modes to the car – by improving facilities for public transport and other sustainable modes” (T1 i).
- Require that new development should normally “be capable of being adequately served by public transport” (T2 ii).
- Require submission of Transport Assessments and Travel Plans with planning applications which are significant generators of travel demand (T2 & T2C).
- Require developer contributions “where public transport accessibility is unacceptable” (T2D)(this policy was originally elaborated on by Supplementary Planning Guidance (SPG5) requiring contributions towards Leeds Supertram (LCC 1998).
- Encourage “an effective public transport service where practicable...” (T9).
- Apply maximum car parking standards, (T24) and restrain long stay car parking within the city centre and fringe (T24A & T28).
- Concentrate new office development on the city (E14 & E16) and town centres.

3.4.2 The UDP is to be progressively replaced by the emerging Local Development Framework (LDF), which will include a Core Strategy, Area Action Plans (AAP's) and Supplementary Planning Documents (SPD's), of which this document is one.



3.5 Policies to be Amplified

3.5.1 This guidance is intended to amplify the following saved policies of the adopted revised Leeds UDP:

“LPAs are encouraged to use SPDs to expand on the principles and high level planning obligations policies in DPDs. SPDs will normally go into greater depth about the likely level and type of obligations that will be sought, either across the LPA or within a particular geographical area.”

(Practice Guidance DCLG 2006b).

Policy GP7 – Where development would not otherwise be acceptable and a condition would not be effective, a planning obligation will be necessary before planning permission is granted. This obligation should cover those matters which would otherwise result in permission being withheld and if possible should enhance the overall quality of the development. Its

requirements should be necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respects.

- Policy T2 – New development should normally be capable of being adequately served by public transport and taxi services and should ensure that necessary infrastructure for new services is included in the development.
- Policy T2D – Where public transport accessibility to a proposal would otherwise be unacceptable, the council will seek developer contributions or action to make enhancements, the need for which arises from the proposal:
 - To link the site to public transport; and/or
 - to provide additional capacity to the network; and/or
 - to improve public transport entry points; and/or
 - to support service improvements where required to achieve appropriate levels of accessibility.

3.5.2 Wherever possible measures should be provided before the development is completed and / or operational.

3.5.3 The UDP policies are saved until such time as they are superseded by policies in the new Local Development Framework (LDF) documents. To provide continuity for supplementary planning policy, Leeds City Council intends the principles of the UDP “parent” policies to be replicated in LDF documents.





When Public Transport Improvements and Developer Contributions Are Required

4.1 Context

UDP Review Policy T2:

New development should normally be capable of being adequately served by public transport and taxi services and should ensure that necessary infrastructure for new services is included in the development (LCC 2006).

UDP Review Policy T2D:

Where public transport accessibility to a proposal would otherwise be unacceptable, the council will seek developer contributions or action to make enhancements, the need for which arises from the proposal:

- *To link the site to public transport; and/or*
- *to provide additional capacity to the network; and/or*
- *to improve public transport entry points; and/or*
- *to support service improvements where required to achieve appropriate levels of accessibility (LCC 2006).*

4.1.1 The UDP Review policies require that new development should “normally be capable of being adequately served by public transport” (Policy T2ii), and that where public transport accessibility is unacceptable developer contributions or action should be sought to meet the cost of the enhancements required to make it acceptable (Policy T2D). These local policies state what (in respect of public transport) is necessary from a planning point of view to make developments sustainable. This



section amplifies the terms and requirements of these policies and sets out the parameters to be used for determining whether a contribution towards public transport enhancements or improvements will be required.

4.2 **What scale of development will be liable to a public transport improvement or contribution**

4.2.1 Only those developments which have a significant travel impact will be subject to the requirement for providing public transport improvements or for paying a contribution towards public transport enhancements.

4.2.2 Guidance on what constitutes a significant travel impact is given in Annex D to PPG13 (DET 2001) drawn up specifically to indicate the threshold for imposing maximum parking standards and for requiring travel plans. These thresholds are of limited value, however, as they only relate to a relatively small number of land uses. For a more comprehensive schedule of thresholds (for a significant impact) use has been made of the indicative thresholds for transport assessment/ statements provided in the Guidance on Transport Assessments (DCLG/ DfT 2007).

Transport assessment thresholds:

4.2.3 Transport assessment(s) / statements are a comprehensive and systematic process that set out transport issues relating to a proposed development and which identify what measures will be taken to deal with the anticipated transport impacts of schemes to

improve accessibility and safety for all modes of travel, particularly for alternatives to the car, such as walking, cycling and public transport.

4.2.4 The national guidance on transport assessments has identified two levels of formal assessment (and thresholds): transport statements (a) and transport assessments (b).

4.2.5 The guidance however makes it clear that “these thresholds are for guidance purposes and should not be read as absolutes. Local Authorities may interpret them in the light of their own circumstances”.



4.2.6 In the context of the Leeds District, it is considered that the thresholds for requiring transport statements are the most appropriate for identifying the scale of development which will have a significant impact on the local highway and public transport network as:

- They provide nationally recognised thresholds across all use classes.
- They broadly coincide with (though are generally slightly higher than) the threshold levels used in previously adopted Supplementary Guidance in Leeds (LCC 1998).
- The only available alternative (national) transport assessment thresholds would omit from consideration medium sized developments (e.g. residential developments of 50-80 units, restaurants and cafes of 300-2500sqm, assembly and leisure uses between 500 and 1500sqm), which whilst being considered to only have "a relatively small impact" in the national guidance, cannot be accommodated in the local context without the need for capacity or service enhancements to mitigate against the likely number of trips they will generate.
- They offer a convenient, single and consistent threshold useable for defining the need for transport statements, developer contributions and travel plans.

4.2.7 These thresholds are detailed for all major land uses in Appendix 2, and summarised in Table 1 below.

4.2.8 For the purposes of this adopted SPD, therefore, all developments which exceed the thresholds set out in Table 1 will be regarded as having a significant travel impact and as a consequence will be subject to the requirements for public transport improvements and developer contributions detailed below.

Other Circumstances Where a Developer Contribution May Be Required:

4.2.9 Several small developments on one site may individually fall below the thresholds set out above and in Appendix 2. However the cumulative impacts of all these individual developments could be enough to generate a significant travel impact on the adjacent transport network which could justify the need for a developer contribution towards public transport enhancements.

Table 1. Thresholds for requiring Contribution (by principal use classes)

Use Class	Use	Threshold
A1	Food retail	> 250 sqm
A1	Non food retail	> 800 sqm
A3-4	Restaurants and cafés, public houses	> 300 sqm
B1	Offices	> 1500 sqm
B2	Industrial	> 2500 sqm
B8	Storage and distribution	> 3000 sqm
C1	Hotels	> 75 beds
C2	Hospital, nursing homes	> 30 beds
C3	Dwelling houses	> 50 units
D1	Non-residential institutions	> 500 sqm
D2	Assembly and leisure	> 500 sqm

4.3 What constitutes an Adequate Public Transport Service

4.3.1 Policy T2(ii) makes it clear that new development should normally be capable of being adequately served by public transport, and Policy T2D expands this requirement by providing the four criteria to be addressed when assessing the acceptability of public transport accessibility to a new development. These four criteria, set out in 3.5.1 above, and amplified in more detail below constitute the matters which the Local Planning Authority consider are the essential or necessary measures required to be satisfied in order for a development with a significant travel impact to proceed.

(i) Measures to link the site to public transport:

"the footpath system to bus stops and stations must be regarded as part of the public transport system, and designed to be as direct, safe and easy to use as possible. Bus stops must be positioned where they are safe and efficient for the operator and buildings should be positioned so that their entrances are at least as near the bus stop or station as they are to the car park"

(IHT 1999)

4.3.2 For the majority of locations in the Leeds urban area which meet the accessibility criteria (see iv below), this basic requirement for a pedestrian link to the public transport network can be met by providing a direct convenient and attractive footpath from the principal entry points of the development to the adjacent public transport entry point (bus stop or station). Research has indicated that this pedestrian link to the public transport entry point from the development is an integral part of the public transport journey and ideally:

- The maximum walking distance* to a bus stop should not exceed 400m and preferably be no more than 300m.
- The maximum walking distance* to a rail stop (if applicable) should not exceed 800m.
- Footpaths to stops or stations should be as direct and convenient as possible, and at least as direct and convenient as the pedestrian link to the car parking (IHT 1999).

* When measured from the centre of the site.



4.3.3 This requirement will normally be regarded as an essential part of the basic access provision to a development, and as such should be included in the application site, and designed as an integral part of the site layout. It will normally therefore be provided at the developer's expense and not be the subject of a requirement for a developer contribution.

4.3.4 It is accepted, however, that these pedestrian links cannot always be included wholly within the application site, and may include third party land. In these circumstances a site specific solution would have to be negotiated, but the basic requirement for a convenient pedestrian link would still stand. Normally this could still be achieved by making use of the public footway.



(ii) Measures to provide additional capacity to the network:

"where the combined impact of a number of developments creates the need for infrastructure, it may be reasonable for the associated developers contributions to be pooled, in order to allow the infrastructure to be secured in a fair and equitable way. Pooling can take place between developments where there is a cross Authority impact"

(Para B21 Circular 5/05-ODPM 2005c)

4.3.5 Any new development which has a significant travel impact (see 4.2 above) will clearly generate additional trips to and from the application site. These trips will have to be provided for on the overall public transport network of the District, (not just on the services immediately adjacent to the site). This network is already suffering from existing capacity problems, both in terms of passenger vehicle capacity and of highway capacity. Ever increasing traffic congestion is giving rise to longer journey times, delays to services, poor reliability and consequent lack of service attractiveness. Whilst the Transport Authorities are making determined efforts to resolve these existing deficiencies in the network and in vehicle capacity they have also identified the need for a range of strategic transport infrastructure enhancements which are required to accommodate the combined cumulative impact of the additional trips that will be generated by future new developments. These strategic transport infrastructures

enhancements, derived from the Leeds City Region Transport Vision (LCRTV2007), the West Yorkshire Local Transport Plan (WYLTP2 2006) and the emerging Area Action Plans of the LDF are detailed in Appendix 1.

4.3.6 For the purposes of the Leeds Local Planning Authority, Appendix 1 to this SPD represents the joint transport infrastructure that is needed to provide for the anticipated combined travel impact of new development in the district. The Local Planning Authority will, therefore in accordance with the guidance provided by Circular 05/05 require 'pooled' contributions from new developments towards the effective delivery of this necessary infrastructure. The contribution provided will be proportionate to the scale and individual impact of each development. The method for ensuring that this contribution is assessed in a fair and reasonable way is set out in section 5 below.

4.3.7 The schedule in Appendix 1 therefore sets out how each element of this supporting infrastructure will provide the additional capacity and/ or enhancements to the overall public transport network to adequately cater for the trips that will be generated by new development. New developments which will have a significant impact on the network (see 4.2 above) will therefore be required to make a contribution (either financial or in kind) towards this joint supporting infrastructure. Contributions required in this way will be pooled in order to allow the infrastructure to be secured in a fair and equitable way.

4.3.8 In the case of monies secured from developments in the city centre, contributions will be used to help deliver the necessary public transport enhancements throughout the city, whilst monies secured from developments outside the city centre will be used to help finance the necessary public transport enhancements scheduled for that sector of the city in which the development is located (see also section 2.3 and Appendix 1).



4.3.9 It would clearly be inappropriate for the Local Planning Authority to grant planning permission for a development which would either cause an unacceptable impact on the public transport system or exacerbate a situation which is already unsatisfactory without making this necessary provision to mitigate the transport impact of the scheme.

4.3.10 Equally the payment of a developer contribution will not necessarily address all of the material factors relating to the consideration of a planning application for development. For a scheme to be acceptable in overall planning terms all material factors need to be addressed not just the issue of the developer contribution to public transport. If for example the projected number of trips by public transport from a new development cannot realistically be accommodated on the network, even with a contribution towards the Appendix 1 measures in place then the application should be scaled down or refused.

(iii) Measures to improve the public transport entry point:

"the design of a development must cater for all the parts of the journey which complement the ride on the bus. This means short walks to bus stops and stations, direct and convenient footpaths, safe and protected places to wait for buses or trains and good information about services. These have a major effect on the attractiveness of public transport"

(IHT 1999)

4.3.11 The public transport entry point to the development (the bus or rail station, the interchange point or the bus stop) should be conveniently located and provide the appropriate level of safety, comfort, convenience and information so as to maintain the overall quality of the public transport journey. There will be a presumption that this entry point should provide the following

minimum requirements:

- A shelter (to provide protection from the elements),
- Real time information and
- Raised kerbs (to comply with access requirements).

4.3.12 In certain circumstances there may not be sufficient space to provide new shelters or existing provision may be adequate. However, these exceptions do not alter the basic requirement that wherever possible, these improvements should be provided.

4.3.13 In addition, wherever possible, all major developments comprising jobs, shopping, leisure, health and education facilities will be required to provide innovative and enhanced public transport waiting facilities integral with the development, in order to encourage increased use of



public transport to and from the site (e.g. “bus lounges” combined with the principal entrance/ reception/ lobby areas, providing public transport waiting and information facilities, including real time displays indicating the availability of services).



4.3.14 All measures relating to the public transport entry point will be regarded as an integral part of the basic access provision and as such shall normally be provided as part of the development, and not part of the contribution requirement.



(iv) **Measures to support service improvements where required to achieve appropriate levels of accessibility:**

4.3.15 For the purpose of this requirement the minimum level of accessibility will be based on a combination of the walking distance criteria already specified (see (i) above) and on the accessibility criteria set out in the Regional Spatial Strategy (GOYH 2008), namely:

The site shall be within 400m (five minutes convenient walking distance measured from the centre of the site) of a bus stop, offering a 15 minute (or better) frequency to a major public transport interchange, (usually Leeds City Centre) between the hours of 07.00 and 18.00, weekdays with a minimum 30 minute frequency outside of these hours (up to 23.00) and at weekends.

4.3.16 Where sites are proposed for development in locations where public transport accessibility is currently not considered to be acceptable, the developer (in consultation with Metro) will be expected to establish and directly fund the measures required to make the site accessible. On the assumption these sites are otherwise acceptable in overall planning term these measures would normally involve new or diverted bus infrastructure/ services, (including where appropriate pump priming of services) the provision of which will be met by the development. In these circumstances the formulaic calculations of the

contribution would not be applied. Similarly if meeting the required level of public transport accessibility at a specific location is dependant on the provision of heavy rail or rapid transport infrastructure (e.g. a new station) the cost of that infrastructure will normally either be met by the development or the infrastructure will be constructed as part of the development. Again in these circumstances a further contribution based on the formulaic approach would not be sought.

4.3.17 In instances such as these the applicant/developer is advised to seek the advice and assistance of Metro, the Passenger Transport Authority for Leeds and West Yorkshire.

4.4 Changes of Use, Extensions and Refurbishment

4.4.1 The requirements for developer contributions and improvements to contributions to public transport will apply to all new development which have a significant travel impact, irrespective of whether the development comprises a change of use, an extension or a refurbishment. It is accepted that existing sites subject to applications for changes of use and refurbishment will already have a travel impact on the highway and public transport networks, and this impact will need to be taken into account in negotiating the appropriate level of contribution for the new development. However in the first instance, the same thresholds will apply to change of use and refurbishment applications as apply to new development schemes, when determining whether a contribution will be required and when initially calculating the level of contribution. An allowance will however be made in appropriate circumstances for trips generated by the existing use (see 4.5 below). As far as applications for extensions are concerned, the thresholds for determining whether a contribution will be required and the calculation methodology for the level of contribution will only apply to the extension floorspace and not to the development as a whole.

4.5 Other Material Factors

4.5.1 Circular 5/05 and the practice guidance make clear that standard charges for developer contributions should not be applied rigidly in all circumstances without regard to the context of an individual application and site. It is accepted therefore that the final level of contribution required can be negotiable subject to the unique aspects of the individual application. These unique aspects can include the following factors:

- i) Abnormal development costs involving:
 - those costs, in the case of a Listed Building, where the development is liable to any exceptional costs to return it to beneficial use which are over and above the normal additional costs for Listed Building refurbishment, which, it is assumed, will have been anticipated and reflected in the site value, or
 - those costs arising from reclamation/ site contamination requirements, which could not have been anticipated at the time of the land purchase.
- ii) In the case of a change of use or refurbishment scheme, the existing use generates a significant number of trips (as defined in Table 1).
- iii) Other S106 contributions, towards wider community benefits (e.g. Greenspace or Affordable Housing).
- iv) Whether the proposed use will either generate a significant

proportion of its trips outside normal public transport hours of operation (6AM to 11PM) or during periods when public transport accessibility is not an identified problem at the site.

- v) Whether the development is meeting other Leeds City Council objectives, e.g. as part of an identified regeneration programme.

4.5.2 The extent to which these factors can be taken into account will depend on the circumstances of the individual application but as a general rule, if it can be demonstrated by the applicant that a particular factor is relevant then an allowance of up to 5% per agreed factor of the contribution can be made up to a maximum reduction of 20%.

4.5.3 However in the following specific circumstances this maximum reduction will not apply and the contribution required can be discounted by the full cost of :

- i) New (or improvements to existing) public transport facilities being delivered or provided as part of a submitted proposal.
- ii) The (legally binding) safeguarding and provision of land (within a development) for the future implementation of a programmed public transport enhancement identified in Appendix 1 of the SPD.
- iii) Any (legally binding) advanced works (such as surface treatments or work in kind) which facilitate or enable the future implementation of a programmed public transport enhancement identified in Appendix 1 of the SPD.



Methodology for Calculating the Level of Contribution Required

5.1 Context

"Local Authorities are encouraged to employ formulae and standard charges where appropriate, as part of their framework, for negotiating and securing planning obligations. These can help speed up negotiations, and ensure predictability, by indicating the likely size and type of some contributions in advance. They can also promote transparency by making indicative figures public and assist in accountability in the spending of monies" (Para B33, Circular 5/05, ODPM 2005)

5.1.1 The Practice Guidance on Planning Obligations (DCLG 2006) and the earlier ODPM Circular 5/05, 'Planning Obligations' (ODPM 2005c) encourage Local Authorities to employ formulae and standard charges where appropriate, as part of their framework, for negotiating and securing planning obligations in order to:

- Help speed up negotiations.
- Ensure predictability by indicating the likely size and type of contributions in advance.
- Promote transparency by publicising indicative figures.
- Assist in accountability in the spending of monies.

5.1.2 In accordance with this advice, this section of the SPD sets out the proposed formulae to be used in Leeds for establishing the basis for the financial contribution towards the required public transport enhancements (listed in Appendix 1). In accordance with Paragraph B35 of Circular 5/05 (ODPM 2005c), and in common with the practice previously applied by this Authority in the now superseded SPG5 (LCC 1998), the final level of contribution will, however, always be subject to negotiation relative to the nature and



circumstances of the individual application under consideration (see 4.5 above).

5.2 What Methodology will be used to Calculate the Contribution

5.2.1 As advocated by the Practice Guidance, the proposed methodology outlined below utilises a formulae approach which has the advantages of allowing:

- The level of contribution to vary with the size scale and impact of the development.
- Assumptions about impacts and costs to be updated over time (and for specific local circumstances and Area Action Plans).

5.2.2 The starting point for the approach is the typical formula for estimating developer contributions to transport infrastructure set out in the Practice Guidance namely:

The developer = the development x the impact x the cost
contribution unit multiplier multiplier

5.2.3 For the purposes of dealing with specific proposals in Leeds this formula can be expanded as follows:

The developer = the gross floor x the person trips x the cost per trip of
contribution space of the (generated providing the
development by the required public
(no. of units) floorspace transport
or units) or units infrastructure

5.2.4 For the purpose of this SPD the standard measure for 'the development unit' will normally be the gross floorspace of the proposed development (see Table 1 and Appendix 2 for a full breakdown by use class).

5.2.5 The 'impact multiplier' component for the formula will be the number of person trips generated by the proposed development (see Table 2 below for details of average trip generation rates and their derivation). This trip generation rate will be factored by the modal split factor to take account of the required modal split targets for the locality of the development.

5.2.6 The cost multiplier element of the formula is an estimate of the average cost per additional person trip of providing the required public transport infrastructure scheduled in Appendix 1.

5.2.7 Section 5.3 below sets out how these key components of the formula have been derived.

5.3 How will the Individual Components of the Formula be derived

5.3.1 The development unit for the majority of land uses will be the gross floorspace figure submitted with the planning application, though in the case of the residential use class it will be the number of dwellings, and in the case of a small number of specialist uses it will a basic unit relevant to that particular use

(e.g. number of courts for a proposed tennis club). Full details are given in Table 2 below.

- 5.3.2 The impact multiplier or number of person trips generated by a proposed development will be derived initially from Table 2 below which provides the average person trip generation rates by use class. These average rates have been taken from the widely used trip Information computer system (TRICS 2008b) and will be used for the initial calculation of the contribution required. In the event of specific trip rates being supplied by the applicant and being validated by the Local Planning Authority through the transport assessment process, the average trip rate can be varied to take the site specific circumstances into account in calculating the final contribution required.
- 5.3.3 A full table of Indicative trip rates is attached as Appendix 3.

- 5.3.4 The basic modal split factors are derived from the relevant targets for public transport usage in the Local Transport Plan (WYLTP2 2006). The existing modal split for journey to work trips to Leeds City Centre is 57% by car and 38% by public transport (LCC 2007). The West Yorkshire Local Transport Plan includes the following targets for 2010:

- A 5% increase in public transport usage.
- A 5% limit on traffic growth.
- A reduction of commuters crossing the central cordon by car from 57% to 55% (WYLTP 2006).

- 5.3.5 If the objectives of PPG13 (DETR 2001) and the LTP targets are to be met it will be necessary to require new developments to achieve a higher than existing proportion of trips by public transport than is currently being achieved. For the purpose of these guidelines the following modal split factors will be applied in the formula depending on the location of the proposed development:

- In the city centre¹ a minimum 50% of person trips generated by new development will be by public transport.
- In other town centre locations and in remaining urban locations where development is acceptable, a minimum of 25% of person trips will be by public transport.

¹ As defined in the adopted UDP

Table 2. Indicative average total person trip rate (by use class)

Development unit	Use class	Land use	Average total person trip rate (per unit)
Gross floor space	A1	Food retail (superstore)	287
Gross floor space	A1	Non food retail (superstore)	26
Gross floor space	A3-5	Food and drink (restaurants and cafes/public houses etc)	134
Gross floor space	B1	Business (office)	15
Gross floor space	B2	General industrial (industrial units)	7
Gross floor space	B8	Storage and distribution (warehousing)	10
Gross floor space	C1	Hotels	16
Resident	C2	Residential institution (nursing home)	5
House	C3	Dwelling houses	10
House	D1	Non residential institutions (clinics)	78
Seats	D2	Assembly and leisure (sports clubs and gyms)	25

5.3.6 As the requirements of the emerging Area Action Plans and/or transport assessments/statements come forward, it is anticipated that this factor will be varied further to take account of specific local circumstances and requirements.

5.3.7 The ‘Cost Multiplier’ factor that will be applied will be £6,884 This has been derived from a detailed analysis of the capital cost and predicted patronage (or journey time savings) of the Schedule of required Public Transport Infrastructure Improvements set out in Appendix 1. The total predicted costs of these schemes has been divided by their total estimated patronage to provide an estimate of the cost per daily passenger trip of the required public transport infrastructure works. In order to ensure that the forecast costs and forecast additional passengers figures used are robust, schemes in Appendix 1 for which detailed costs and patronage figures are not yet available have been excluded from the calculation. The costs and passenger figures used to derive the cost multiplier have also been benchmarked against similar schemes nationwide (Faber Maunsell 2008).

5.3.8 The level of this public transport cost multiplier will be subject to regular review as part of the Annual Monitoring Report of the LDF in order to take account of:

- schemes that have become operational and for which costs have been substantially met
- amendments or changes to the cost and patronage estimates of individual schemes or as more detailed estimates become available
- the introduction of new and / or additional schemes.

Will the Public Transport Cost Multiplier be applied uniformly across the District

5.3.9 The cost multiplier derived as set out above will be applied uniformly across the Leeds District except where:

- Specific local circumstances and requirements apply to a defined area such as an Area Action Plan or Regeneration Area (e.g. the Aire Valley Area Action Plan).
- Additional locational factors are applied to take into account the accessibility of the site (see below).

What Locational Factors will be applied

“While the individual circumstances of each site and the nature of the proposal will affect the details of planning obligations in relation to transport, developers will be expected to contribute more to improving access by public transport, ... for development in locations away from town centres and major transport interchanges than for development on more central sites”

(DETR 2001)

5.3.10 National Planning Policy

Guidance on Transport (PPG13) clearly indicates that developers will be expected to contribute more to improving access for development in locations away from town centre and major transport interchanges than for development on more central sites.

5.3.11 In addition Government guidance on funding for major transport scheme submissions requires that a minimum of 10% of the scheme costs should be sourced locally. Accordingly the following adjustment factors will be applied to take account of this guidance.

Table 3. Locational Factors to be applied to the public transport multiplier

Type of development	Factor
Developments located in Leeds city centre	0.05
Developments located in town/local centres	0.125
Developments located in other accessible locations as defined in Section 4.3 above)	0.15
Developments located on sites inaccessible by public transport	N/A*

* measures to be funded/provided directly by the developer

5.4 How will the Contribution be Calculated

- 5.4.1 Utilising the individual factors detailed in section 5.3 above the basic formula for calculating contributions (see section 5.2) can be expanded as follows:

$$\text{The contribution} = \frac{\text{gross floor space}}{\text{The trip rate}} \times \frac{\text{The person trip}}{\text{The modal split}} \times \frac{\text{The cost per trip}}{\text{The locational factor}}$$

- 5.4.2 The contribution will therefore be calculated by means of this formula (see Appendix 6 for full details).

- 5.4.3 For the benefit of applicants and agents an online facility has been provided on the Leeds City Council website, which by entering the proposed use, the floorspace (or no. of units as appropriate) and the location of a development completes the above calculation electronically. It should be stressed that this facility relies solely on the standard formula as applied to the factors entered. The final level of contribution required may vary depending on the circumstances of the individual application and other material factors (see section 4.5 for further details).

5.5 What are the Assumptions underlying the Methodology used

- 5.5.1 The methodology used is based on the following assumptions:
- All new development will generate a demand for additional person trips to and from the site by occupiers, employees, residents and visitors.
 - A proportion of these trips will be by public transport, and the appropriate modal split will be dependent on the use and activity proposed, the characteristics of the area and the targets set in the relevant Area Action Plan, the applicants own transport assessment (or statement) and the submitted travel plan.
 - The additional public transport trips that will be generated (by the development) can only be accommodated by enhancements to the existing public transport network.
 - It is reasonable to expect the developer/ applicant to pay for, or at least, contribute towards the enhancement cost of the public transport infrastructure enhancements required, as long as what is sought or offered is fairly and reasonable related in scale and kind to the development proposed.
 - The most appropriate way to relate the enhancement required to the scale of development proposed is to estimate the number of public transport trips likely to be generated by the floor space and use proposed.

- The estimates of the likely total person trip rate for any given land use/ floor space can be derived from the TRICS (Trip Rate Computer Information System) (TRICS 2008b).
- The proportion of total person trips (derived from TRICS) that will go by public transport will be dependent on the circumstances of the individual proposal, its accompanying Transport Assessment (or Statement) & Travel Plan and the relevant Local Transport Plan / Area Action Plan modal split targets.
- The level of contribution required for a particular floor space/ land use can be derived by multiplying the estimated trip rate for that land use by the 'public transport multiplier' factored to take account of the appropriate agreed modal split for that site.
- The public transport multiplier can be estimated from the detailed analysis of the schedule of required public transport enhancements, specifically by dividing the total additional costs of the required schemes by their total estimated patronage.
- The enhancements/service improvements scheduled in Appendix 1 represent the joint supporting public transport infrastructure which Leeds City Council has identified as being required to address the transport impact of significant new development proposals in the city.



Process for Securing Developer Contributions

6.1 Pre-application discussions

6.1.1 It is already recognised good practice for pre-application discussions to be held between applicants and developers and the Local Planning Authority (LPA) prior to the formal submission of a planning application and a planning protocol for strategic and key regeneration projects has now been embodied in the Planning Performance Agreement Charter. These discussions also provide an ideal opportunity for the prospective applicant to seek clarification of the Authority's planning obligations policies in relation to the proposed development and to raise any questions or, concerns that may be relevant. The importance and value of investing time and resources at this initial stage cannot be stressed enough, given the benefits / savings in time and resources it can deliver in the medium to long term, and the contribution it can make to resolving what level of planning obligation is required.

6.1.2 For these pre-application discussions to be effective, the prospective applicant will need to provide the following indicative details of the development:

- A breakdown of the floorspace proposed by use class.
- The site location.
- The anticipated travel impact (i.e total person trip generation if available).
- A travel plan framework/ modal split proposal to address the predicted impact.
(nb: these details will already have to be prepared as part of the transport assessment/statement requirements.)

6.1.3 For their part the LPA will be able to provide initial advice on:

- Whether or not a planning obligation is required.
- If required, what type and level of contribution will apply.
- What scheme specific factors are likely to be taken into account in negotiating the appropriate level of contribution.
- The appropriate financial and legal process that will be used to reach agreement.

- 6.1.4 This initial advice is in addition to the on-line facility for calculating the level of contribution required (see section 5.4 above).



6.2 Negotiations prior to determination of the Planning Application

- 6.2.1 Following submission of a formal planning application the Local Planning Authority will within three weeks of registration advise the applicant in writing of:

- The type and level of contribution required.
- The basis for arriving at this estimate.
- The particular circumstances of the application that have been taken into account in arriving at the contribution figure.

- 6.2.2 This planning contribution ‘statement’ will form the basis for subsequent negotiations between the applicant and the LPA with a view to the two parties reaching agreement on the appropriate contribution level prior to the determination of the application. Integral to reaching this agreement will be the applicants own transport assessment (or statement) and travel plan on how trips to and from the scheme will be provided for. The level of contribution agreed should always depend upon:

- The agreed estimate of the level of person trips to and from the site by public transport.
- The unique aspects of the individual application.

- 6.2.3 When the application is taken forward for determination, the Local Planning Authority will need to make clear what infrastructure schemes the agreed S106 monies will be making a contribution towards. In the case of suburban schemes, it is likely that the impact of the development in terms of trips generated will be limited to that sector of the city in which it is located and therefore there will be a need for a contribution to the identified schemes for that sector. In the case of a development in the city centre it is likely that this will have a city wide impact and therefore will give rise to the need for a contribution towards all of the Appendix 1 schemes. Each case will however need to be considered on its merits and the relevant measures or package of measures a scheme will be contributing towards will need to be identified on a case by case basis in order to demonstrate the necessary audit trail required by Circular 5/05.

6.3 Model Clauses and S106 Agreements

- 6.3.1 The process of preparing the documentation associated with S106 Agreements is widely seen as resource intensive and a major cause of delays to the processing of planning applications. In order to address this issue, this section sets out how the authority aims to minimise these potential costs

and delays, and thereby speed up the planning obligations process.

- 6.3.2 Circular 5/05 encourages Local Planning Authorities to use and publish standard heads of terms, agreements/ undertakings or model clauses wherever possible in the interest of speed. Appendix 4 of this document therefore includes a standardised version of the Model S106 Agreement (including model clauses)
- 6.3.3 The use of a Model S106 Agreement recognised by all parties can save considerable time and legal and other resources for applicants, developers, LPA's and third parties to the agreement. As suggested in paragraph B36 of Circular 5/05 (ODPM 2005c) the draft agreement set out in Appendix 4 is based on the model agreement drawn up by the Law Society's Planning and Environmental Law Committee. This model has been drafted as a template from which the parties to the agreement will be able to select the relevant sections and clauses applicable to the circumstances and requirements of the individual application.
- 6.3.4 "Heads of Terms" is a document setting out the terms of a S106 agreement as agreed in principle between the parties in the course of negotiations. Heads of Terms demonstrate serious intent, but do not compel the parties to agree to those terms or even to reach agreement



6.4 Managing the Implementation of Developer Contributions

"Once planning obligations have been agreed, it is important that they are implemented or enforced in an efficient and transparent way, in order to ensure that contributions are spent on their intended purpose and that the associated development contributes to the sustainability of the area. This will require monitoring by local planning authorities, which in turn may involve joint-working by different parts of the authority. The use of standardised systems is recommended, for example, IT databases, in order to ensure that information on the implementation of planning obligations is ready available to the local authority, developer and members of the public"

(para B50, Circular 05/05 – ODPM 2005)

- 6.4.1 The practice Guidance requires Local Planning Authorities to put systems in place which enable and facilitate:
- The effective monitoring of planning obligations.
 - The timely and efficient delivery of contributions and infrastructure.
 - The need for enforcement action in the event of a breach of the terms of the agreement.

- 6.4.2 In the case of developer contributions to public transport enhancements and improvements, a project management approach has been adopted to effectively manage the timetable and work stages of processing contributions. Full details of this approach are

given in Appendix 5 but the principal stages and responsibilities are summarised in Table 4 below.

6.4.3 An additional management fee (over and above the agreed contribution) will be levied from the applicant to pay for Leeds City Council staff costs incurred for managing the implementation and monitoring of S106 agreements projects and for updating and keeping the appropriate data and mechanisms. (see Appendix 4).

6.5 Monitoring the Expenditure / Use of Planning Obligations (Contributions)

6.5.1 The practice guidance requires that authorities develop and have in place efficient monitoring systems for the collection and use of developer contributions. In the long term it is intended to introduce a monitoring system that is both:

- Integrated with the LPA's main management system (to eliminate duplication of documents and allow access to relevant and appropriate information) and

- linked directly to the Planning Register (to provide the public with information on legal agreements).

6.5.2 Until such a time as this integrated monitoring system is fully in place a stand alone system is in operation. This system will facilitate:

- Responding to enquiries about the current state of obligations.
- Recording the type and amount of agreed contributions relative to works implemented or yet to be implemented.
- The generation of reports to provide updates on the contributions due, received and spent.
- Maintaining a clear audit trail between the contributions secured and the monies held or spent.

Table 4. Principal stages in managing and implementing developer contributions

Key stage	Principal responsibility	To notify
1. Planning consent granted	LPA	Applicant and interested parties
2. Issue draft S106 (based on model agreement in Appendix 4)	Applicant	LPA and interested parties
3. Sign S106 agreement	All parties	
4. Notification of trigger point for contribution (commencement/completion/occupation)	Applicant	LPA
5. Request for payment/contribution	LPA	Applicant and interested parties
6. Contribution made	Applicant	LPA
7. Contribution not made	LPA	Applicant and LCC (Legal and Democratic Services)
8. Legal proceedings to secure contributions	LCC Legal and Democratic Services	All parties to agreement
9. Managing contributions	LCC City Development	
10. Implementation of required infrastructure	Metro/ LCC	All parties to agreement

- 6.5.3 The monies secured via S106 planning agreements will be held on trust by Leeds City Council for spending on the required public transport schemes scheduled in Appendix 1. The release of these funds will normally be determined by the requirements of the capital programme, as modified in response to specific development impacts.**
- 6.5.4 In normal circumstances, the proportion of the cost of schemes met from developer contributions would not exceed 10% of the total capital cost, but in certain specific circumstances (e.g. where wider non-transport aims for regeneration or economic development are being met) this portion may exceed 10%).**

6.6 Monitoring of Individual Contributions and Schemes

- 6.6.1 For each contribution secured a detailed record will be kept of the amount received, the application against which it has been secured, whether the contribution is for a specific sector of the city or scheme, when it has to be spent by, when it is actually spent and on what scheme.**
- 6.6.2 In parallel, a schedule of the required public transport schemes will be held recording the cost of the schemes, the amount expected to be paid from developer contributions, the programme dates for implementation and when contributions are transferred from the contribution fund to help implement a scheme and from what specific (planning application) source.**
- 6.6.3 An Annual Monitoring Report detailing both the contributions received and the expenditure on schemes will be prepared and reported both as part of the annual monitoring report of the LDF and of the Local Transport Plan.**



Failure to Reach Agreement on Level of Contribution Required

7.1 Introduction

7.1.1 In certain cases/ applications it will not be possible to reach agreement on the level of contribution required. This section therefore reviews:

- The issues to be addressed in these circumstances,
- the possible use of independent third parties,
- the grounds for refusal and for appeal to the Secretary of State.

7.2 Issues to be addressed

7.2.1 Prior to the final determination of an application where agreement has not been reached on the level of contribution required, the following questions will need to be considered:

- Has adequate evidence been put forward to justify an exception being made to the policy

requirement for a contribution to be made or
■ is adequate alternative infrastructure provision being offered to justify an exception being made to the requirement for a pooled (financial) requirement or in the case of applications subject to multiple requirements for contributions for community benefit, and there is a claim that these requirements undermine the viability of the proposed scheme, has adequate supporting evidence been provided, to justify the contribution (to the public transport) requirement being waived or reduced.

7.2.2 If the answer to all these questions is in the negative and the travel impact of the scheme is clearly a relevant material factor, then the application should be recommended for refusal (see 7.5 below). If, however, the answer to any of these questions is not clear or if factual information needs to be validated, the Practice Guidance suggests that independent third parties could be brought in to help progress the negotiations.

7.3 Use of independent third parties

7.3.1 Circular 5/05 stresses that the role of independent third parties is to facilitate or contribute to

the negotiation process, not to arbitrate. Responsibility for agreeing the outcome of a planning obligation negotiation remains with the parties involved, and responsibility for the final determination of the application remains with the LPA.

- 7.3.2 In this context and given the range of planning, transport, property and legal skills available to Leeds City Council, it is considered that independent third parties will only have to be utilised as a final resort in the case of complex or major applications where disputes are unduly delaying negotiations.

7.4 How are Viability Issues to be Addressed

- 7.4.1 In certain cases, particularly those applications which are subject to multiple S106 requirements (for affordable housing, greenspace, education, public realm as well as for public transport) the viability of a specific proposal in the face of all these demands may be brought into question.
- 7.4.2 Circular 5/05 makes it clear that in instances where it may not be feasible for the proposed development to meet all the S106 requirements and still be economically viable, "decisions on the level of contributions should be based on negotiation with developers on the level of contribution that can be demonstrated as reasonable to be made whilst still allowing the development to take place" (ODPM 2005c).

- 7.4.3 In these circumstances, applicants will be required to provide detailed evidence in support of their claim in accordance with the agreed Leeds City Council procedure for dealing with matters of viability in relation to S106 contributions for new development.

7.5 Grounds for Refusal

- 7.5.1 The requirement for S106 contributions to public transport enhancements set out in this SPD are necessary in planning terms in order to:

- Mitigate the travel impact of the proposed development.
- Ensure compliance with the objectives of PPG13 (DET 2001).
- Enable Metro and Leeds City Council (the relevant transport infrastructure providers) to deliver the necessary improvements/ enhancements which would otherwise be normally outside the scope/ specialist skills of the individual applicant or developer (see section 2.2 above).

- 7.5.2 It follows, therefore, that if the applicant is not prepared to meet any necessary and reasonable request for contributions which are required to mitigate the travel impact of the submitted scheme, then the development is per se unacceptable in planning terms and should be refused. In these circumstances, therefore, the application will be recommended for refusal on the following (or similar) grounds:

The proposed development has failed to make the necessary contributions to enhancements/ improvements to public transport infrastructure required by Policy T2D of the adopted UDP (as amplified by the Supplementary Planning Document on Public Transport Improvements and Contributions) such that existing traffic congestion and public transport service, accessibility and capacity problems will be aggravated and the sustainability requirements of PPS1 and PPG13 and the policy requirements of Policy T2(ii) and T2D will not be met.

7.6 Appeal to the Secretary of State

- 7.6.1 If the applicant considers that this authority is seeking unreasonable S106 contributions to public transport improvements in relation to his/her application, it is open to that applicant to refuse to enter into them, and he or she has the right of appeal (under section 106B of the Towns and Country Planning Act 1990) to the Secretary of State against:
- A refusal of permission or
 - The imposition of a condition or
 - The failure to determine the application.
- 7.6.2 Such appeals will be considered in accordance with the advice given in Circular 5/05 (ODPM 2005c).
- 7.6.3 It should be pointed out however that Leeds City Council has taken particular care to draw up this Supplementary Planning Document in accordance with the terms and requirements of that Circular and the accompanying Practice Guidance (DCLG 2006b), and if an appellant has refused to meet a reasonable requirement by the LPA either frivolously or without valid justification, this authority has the right to pursue applications for an award of costs against the appellant for unreasonable behaviour.



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ODPM (2005a) PPS 1 Delivering Sustainable Development. Office of the Deputy Prime Minister, TSO (Norwich)



ODPM (2005b) PPS 6 Planning for Town Centres,
Office of the Deputy Prime Minister, TSO (Norwich)

ODPM (2005c) Circular 5/2005 Planning
Obligations, Office of the Deputy Prime Minister,
TSO (Norwich)

TCPA (1990) Town and Country Planning Act 1990

TRICS (2007) Trip Rate Information Computer
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WYLTP (2006) West Yorkshire Local Transport Plan
2006/7-2010/1. West Yorkshire Local Transport
Plan Partnership (Leeds)



Glossary

AAP	.....	Area Action Plans	MD	.....	Metropolitan District
AVL	.....	Aire Valley Leeds (Regeneration Area)	Metro	.....	West Yorkshire Passenger Transport Executive
BRT	.....	Bus Rapid Transport	ODPM	.....	Office of the Deputy Prime Minister
CM	.....	Cost Multiplier	P	.....	Parking
DC	.....	Developer Contribution	PFI	.....	Private Finance Initiative
DCLG	.....	Department for Communities & Local Government	PNR	.....	Private non-residential parking
DETR	.....	Department of the Environment Transport & the Regions	PPG	.....	Planning Policy Guidance
DfT	.....	Department for Transport	PPP	.....	Public Private Partnership
DOE	.....	Department of the Environment	PPS	.....	Planning Policy Statement
DOT	.....	Department of Transport	PT	.....	Public Transport
DU	.....	Development Unit	RSS	.....	Regional Spatial Strategy
DTLR	.....	Department of Transport Local Government & the Regions	RTS	.....	Regional Transport Strategy
EASEL	.....	East and South East Leeds (Regeneration Area)	S.106	.....	Section 106 Legal Agreements
FAB	.....	Financial Accounting and Budgeting System (LCC)	SPD	.....	Supplementary Planning Document
IHT	.....	Institute of Highways and Transportation	SPG	.....	Supplementary Planning Guidance
GOYH	.....	Government Office For Yorkshire and Humber	TC	.....	Town Centre
IM	.....	Impact Multiplier	TCPA	.....	Town and Country Planning Act
LA	.....	Local Authority	TRICS	.....	Trip Rate Computer Information System
LCC	.....	Leeds City Council	UDP	.....	Unitary Development Plan
LCR	.....	Leeds City Region	WYLTP	.....	West Yorkshire Local Transport Plan
LDF	.....	Local Development Framework	WYPTE	.....	West Yorkshire Passenger Transport Executive (Metro)
LHA	.....	Local Highway Authority	YHA	.....	Yorkshire and Humberside Assembly
LPA	.....	Local Planning Authority			
LTP	.....	Local Transport Plan			

Appendix 1

Schedule of Required Public Transport Improvements/ Enhancements for which Contributions will be Sought

Sector	Map Ref	Scheme	Purpose
North West	1	Burley Road Inbound and Outbound Bus Lanes	Measures identified in LTP2 to provide improved bus priority and accessibility.
North West	2	A65 Quality Bus Corridor	To provide a step change in the quality and reliability of bus travel.
North West	3	Meanwood Road Inbound and Outbound Bus Lanes	Measures identified in LTP2 to provide improved bus priority and accessibility.
North West	4	Kirkstall New Rail Station	To provide additional point of access to Airedale/ Wharfedale line services and to serve planned major mixed use development.
North West	5	Apperley Bridge New Rail Station	To provide additional point of access to Airedale/ Wharfedale line services and to provide Park and Ride facility.
North West	6	A65 Quality Bus Corridor extension	Measures to extend the QBC major scheme to Aireborough.
North West	7	Horsforth Roundabout Signalisation	Ease congestion on the A6120/ Ring Road.
North West	8	City Centre to Bodington NGT route	Identified in LTP2. Provision of new public transport system to grow public transport use and mode share.
North West	9	A660 Bus Priority Measures	Currently being developed.
North West	10	Harrogate Rail Line Tram Train	LCR Transport Vision. Increased capacity, upgrade and renewal of heavy rail line.
North West	11	Leeds Bradford Airport Tram Train Link	LCR Transport Vision. Provision of a fixed rail link to the airport.

Key to Timescales

LTP 2 ~ 2006 - 2011

LTP 3 ~ 2011 - 2016

LCR Transport Vision ~2016 - 2023

Major Scheme ~Scheme Specific Timetable

Key to Uncosted Schemes

* - Scheme in preparation

** - Scheme identified but preparatory work not yet started

Proposals	Estimated cost	Timescale
Outbound bus lane from Cross Westfield Road to Willow Road, UTMC improvements at the junction of Burley Road / Cardigan Road and pedestrian crossings.	£3.5m	LTP2
Comprehensive package of bus priority and accessibility measures which are intended to be underpinned by a Quality Partnership Agreement.	£21.6m	Major Scheme
Bus priority lanes and signals.	£1.5m	LTP2
Rail station.	*	Major Scheme
Rail station and park and ride.	*	Major Scheme
Bus priority lanes and signals.	*	LTP2
Bus gates and phases.	£2.0m	Major Scheme
Rapid Transport system comprising new vehicles, segregated alignments, priority measures and park and ride.	*	Major Scheme
Junction measures and predominantly outbound bus lanes.	£8.0m	LTP2
Conversion of existing heavy rail route to Tram Train including provision of new station (Horsforth Woodside).	**	Major Scheme
Extension of the Harrogate Line tram train to serve the airport.	**	Major Scheme

Appendix 1

Sector	Map Ref	Scheme	Purpose
North East	12	Chapeltown Road Inbound Bus Lane	Measures identified in LTP2 to provide improved bus priority and accessibility.
North East	13	Roundhay Road High Occupancy Vehicle/Bus Lane	Measures identified in LTP2 to provide improved bus priority and accessibility.
North East	14	Easterly Road HOV Scheme	Improvements to the former Supertram (A58) corridor.
North East	15	A58 Leeds Wetherby Corridor	LCR Transport Vision. Programme to provide improved bus priority and accessibility.
North East	16	A61 Guided Bus Corridor improvement and enhancement	LCR Transport Vision. To enhance the quality bus corridor and increase public transport patronage and mode share.
North East	17	A61 Harrogate Road	LCR Transport Vision. To enhance and extend the quality bus corridor and increase public transport patronage and mode share.
West	18	Pudsey Bus Station	Measures identified in LTP2 to provide improved bus priority and accessibility in central Pudsey.
West	19	Extension to Park and Ride provision at New Pudsey Station	To increase parking capacity to meet potential park and ride demand.
West	20	A647 Armley Road quality bus corridor	Measures identified in LTP2 to provide improved bus priority and accessibility.
West	21	B6157 Bradford Rd approach to Dawsons Corner	Additional c'way w'bound to ameliorate bus delays and assist egress from New Pudsey Rail Station.
West	22	Leeds-Bradford Rail Connectivity Schemes	LCR Transport Vision. To improve connectivity between Leeds and Bradford in intermediate communities.

Key to Timescales

LTP 2 ~ 2006 - 2011

LTP 3 ~ 2011 - 2016

LCR Transport Vision ~2016 - 2023

Major Scheme ~Scheme Specific Timetable

Key to Uncosted Schemes

* - Scheme in preparation

** - Scheme identified but preparatory work not yet started

Proposed measures			
Proposals	Estimated cost	Timescale	
Bus priority lanes and signals.	£0.7m	LTP2	
High occupancy vehicle lane and priority signals.	£0.5m	LTP2	
In bound priority lane.	£0.6m	LTP2	
Priority lanes and signals.	**	LCR Transport Vision	
Bus priority lanes, lengths of guideway and priority at traffic signals adjacent to Potternewton Lane and from King Lane.	*	LCR Transport Vision	
Enhance and extend bus priority lanes and signals.	* No improvement line	LCR Transport Vision	
New bus station.	£3.0m	LTP2	
Provision of additional parking spaces.	**	LTP3	
Bus priority lanes and signals.	£3.0m	LTP2	
Additional westbound carriageway.	£0.6m	LTP3	
Development of a package of public transport measures for both rail and bus corridors.	**	LCR Transport Vision	

Appendix 1

Sector	Map Ref	Scheme	Purpose
South	24	A653 Dewsbury Road Quality Bus Initiative	Measures identified in LTP2 to provide improved bus priority and accessibility.
South	25	Leeds-Wakefield Bus Corridor improvements	LCR Transport Vision. To improve connectivity between Leeds and Wakefield and intermediate communities.
South	26	City Centre to Stourton NGT route	Identified in LTP2. Provision of new public transport system to grow public transport use and mode share.
South	27	A653 Leeds – Huddersfield corridor	LCR Transport Vision. To improve connectivity between Leeds and Bradford and intermediate communities.
South	28	Elland Road Park and Ride	Development of park and ride strategy for Leeds city centre.
South	29	Leeds-Castleford (and Aire Valley Leeds) Tram Train links	LCR Transport Vision. Increased capacity, upgrade and renewal of heavy rail line. Consideration of links with Aire Valley Leeds.
East	30	A64 City Bus Gateway	LCR Transport Vision To provide improved bus priority and accessibility.
East	31	A64 Guided Bus Corridor improvement and enhancement	LCR Transport Vision. To enhance the quality bus corridor and increase public transport patronage and mode share.
East	32	A61South City Bus Gateway	To provide improved bus priority and accessibility.
East	33	Aire Valley Leeds access package	To provide public transport accessibility into the Aire Valley Leeds regeneration area. Forms a component of the draft Aire Valley Leeds Area Action Plan.
East	34	City Centre to St James/EASEL NGT route	Identified in LTP2. Provision of new public transport system to grow public transport use and mode share. Forms a component of the draft EASEL Area Action Plan.
East	35	East Leeds Parkway	LCR Transport Vision. Development of park and ride strategy for Leeds and City Region.

Key to Timescales

LTP 2 ~ 2006 - 2011

LTP 3 ~ 2011 - 2016

LCR Transport Vision ~2016 - 2023

Major Scheme ~Scheme Specific Timetable

Key to Uncosted Schemes

* - Scheme in preparation

** - Scheme identified but preparatory work not yet started

Proposals	Estimated cost	Timescale
Bus priority lanes and signals.	£2.7m	LTP2
Development of a package of measures to enhance bus corridors between Leeds and Wakefield including consideration of the M1 corridor.	**	LCR Transport Vision
Rapid Transport system comprising new vehicles, segregated alignments, priority measures and park and ride.	*	Major Scheme
Development of a package of measures to enhance bus corridors between Leeds and Huddersfield including consideration of the motorway corridor.	**	LCR Transport Vision
Provision of new park and site and associated bus priority measures and services.	£4.0m	LTP3
Conversion of existing heavy rail route to Tram Train including provision of new stations.	**	LCR Transport Vision
Priority lanes, signals and accessibility improvements.	**	LCR Transport Vision
Bus priority lanes, lengths of guideway and priority at traffic signals.	**	LCR Transport Vision
Priority lanes, signals and accessibility improvements.	**	LCR Transport Vision
Package of public transport improvements comprising new infrastructure and services with options for park and ride and new rail station, and NGT route (alignment to be determined).	*	LTP3
Rapid Transport system comprising new vehicles, segregated alignments and priority measures.	*	Major Scheme
Provision of new regional rail station and park and site.	*	LCR Transport Vision

Appendix 1

Sector	Map Ref	Scheme	Purpose
East	36	East Leeds rail corridor enhancement	LCR Transport Vision. Major public transport system enhancement to grow public transport use and mode share.
East	37	A64 Grimes Dyke park and ride	Development of park and ride strategy for Leeds city centre.
City Centre	38	New Southern Pedestrian Gateway to Leeds City Station	To enhance the accessibility of the rail station and provide direct connectivity to Holbeck Urban Village and developments South of city centre.
City Centre	39	City Centre NGT route	Identified in LTP2. Provision of new public transport system to grow public transport use and mode share.
City Centre	40	City centre public transport interchange strategy	To enhance public transport accessibility, movement and service connectivity in the city centre. Forms a component of the draft City Centre Area Action Plan.
City Centre	41	City centre bus management scheme	To enhance public transport accessibility, movement and service connectivity in the city centre. Forms a component of the draft City Centre Area Action Plan.
City Centre	42	Extension of City Centre Bus Service	To provide public transport access to expanding southern commercial area and Holbeck Urban Village.

Key to Timescales

LTP 2 ~ 2006 - 2011

LTP 3 ~ 2011 - 2016

LCR Transport Vision ~2016 - 2023

Major Scheme ~Scheme Specific Timetable

Key to Uncosted Schemes

* - Scheme in preparation

** - Scheme identified but preparatory work not yet started

Proposals	Estimated cost	Timescale
Package of improvements to enhance and electrify Leeds - York - Selby routes and develop rail services.	**	LCR Transport Vision
Provision of new park and site and associated bus priority measures and services.	**	LTP3
Provision of a new pedestrian entrance to the station and associated pedestrian routes.	*	Major Scheme
Rapid Transport system comprising new vehicles, segregated alignments, priority measures and park and ride.	*	Major Scheme
Development of bus interchange points in the city centre.	**	LCR Transport Vision
Part of city centre traffic management strategy to ensure future capacity for new bus service development and rapid Transport routes.	**	LCR Transport Vision
To provide frequent circular service to link city centre rail and bus stations with Holbeck Urban Village.	*	LCR Transport Vision

Appendix 1: Public Transport Improvements/Enhancements West Yorkshire Local Transport Plan 2 (LTP2)



Key

- LTP2 Corridor Scheme
- ★ LTP2 Site Specific Scheme

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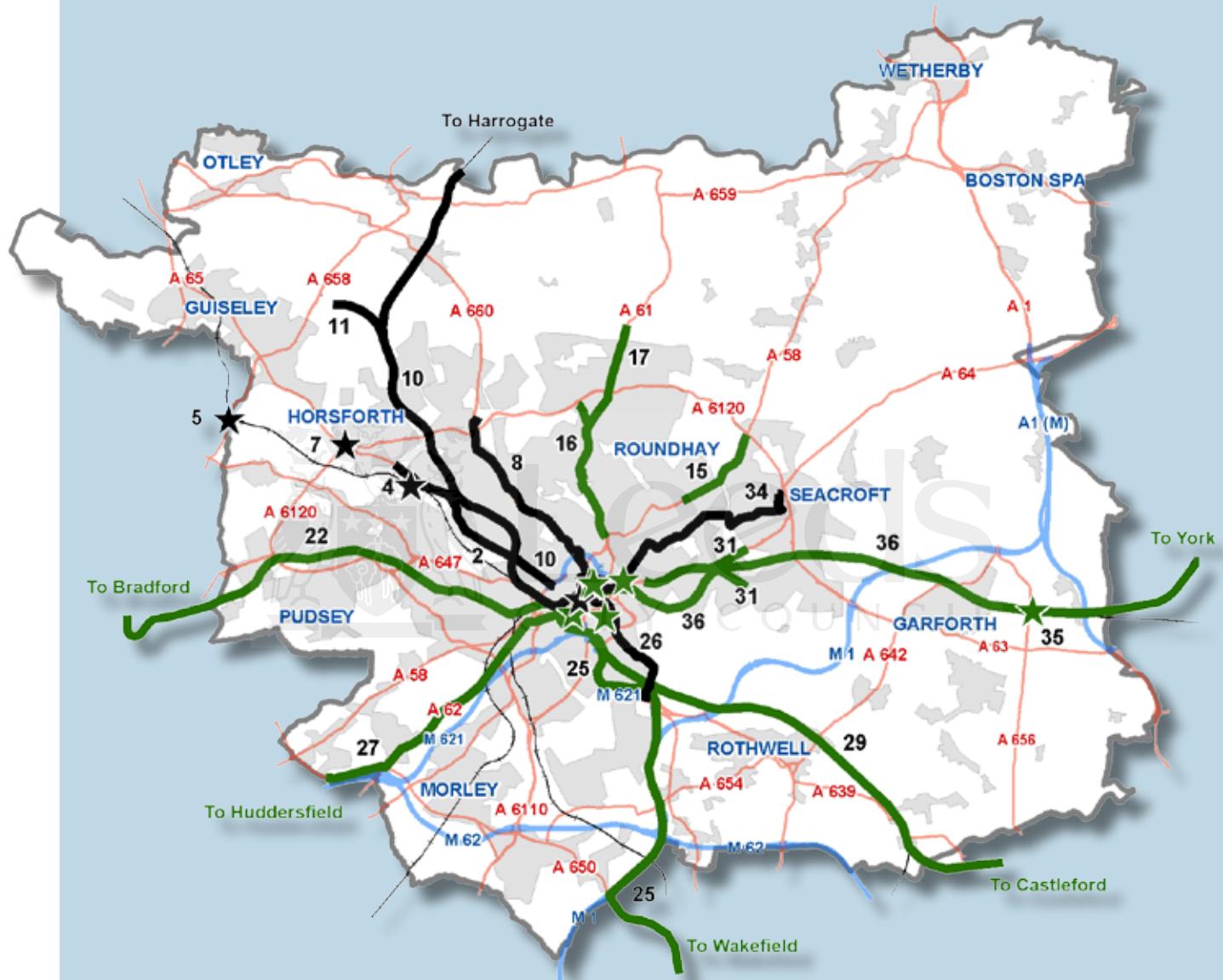
Appendix 1: Public Transport Improvements/Enhancements West Yorkshire Local Transport Plan 3 (LTP3)



Key

- LTP3 Corridor Scheme
- ★ LTP3 Site Specific Scheme

Appendix 1: Public Transport Improvements/Enhancements Leeds City Region (LCR) Transport Vision and Major Schemes



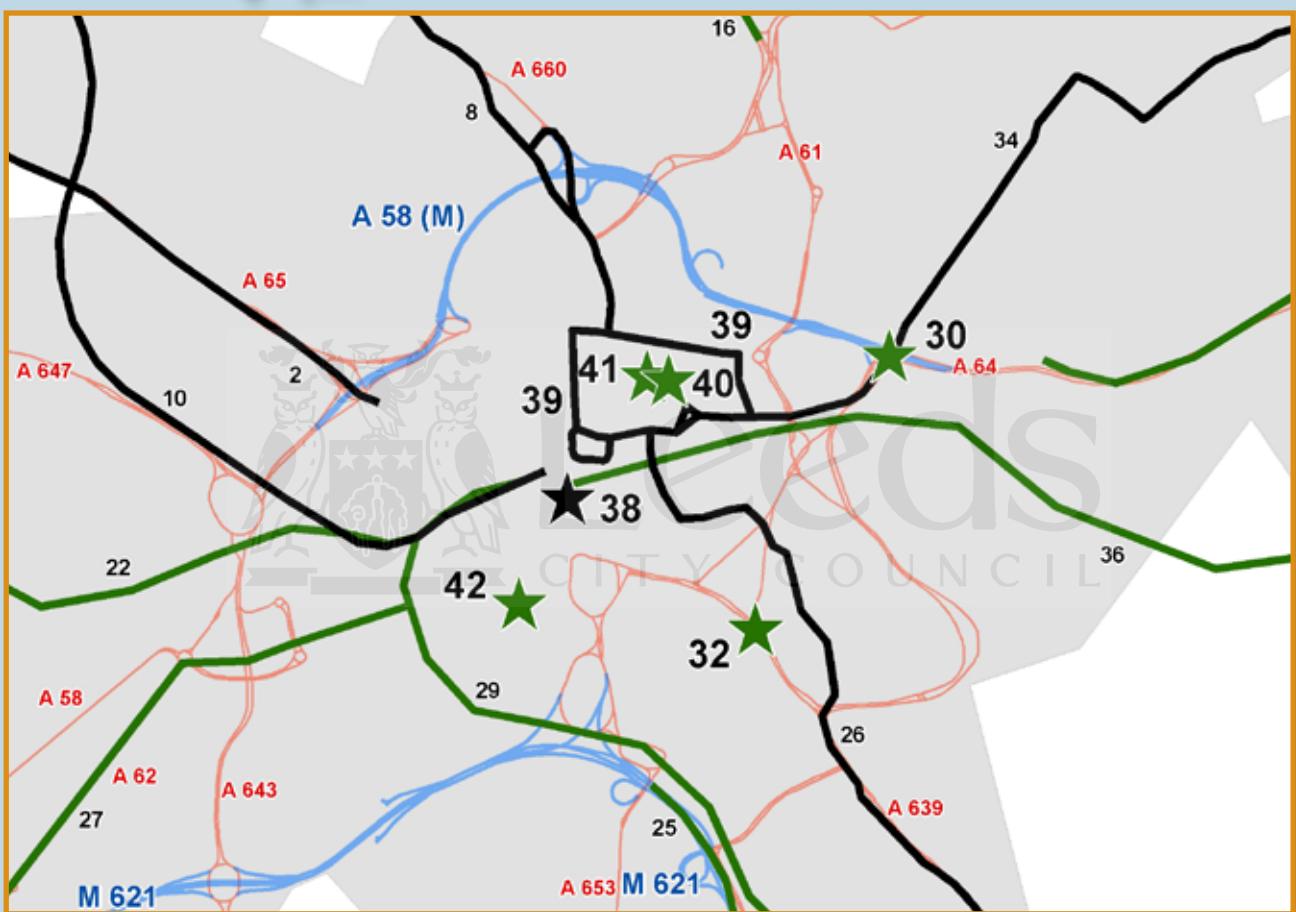
Key

- LCR Transport Vision Corridor Scheme
- LCR Transport Vision Site Specific Scheme
- ★ Major Scheme (Corridor)
- ★ Major Scheme (Site Specific)

Appendix 1: Public Transport Improvements/Enhancements

Leeds City Region (LCR)

Transport Vision and Major Schemes –
City Centre Inset



Key

- LCR Transport Vision Corridor Scheme
- LCR Transport Vision Site Specific Scheme
- Major Scheme (Corridor)
- Major Scheme (Site Specific)

Appendix 2

Thresholds for Requiring Contributions

Land Use	Use/Description of Development	Threshold – by gross floor area (sq m) unless otherwise stated
Food Retail (A1)	Retail sale of food goods to the public – Food Superstores, Supermarkets, Convenience Food Stores.	250
Non-Food Retail (A1)	Retail sale of non food goods to the public: but includes Sandwich Bars – Sandwiches or other cold food purchased and consumed off the premises, Internet Cafés.	800
Financial and Professional Services (A2)	Financial Services – Banks, Building Societies and Bureau de Change, Professional Services (Other than Health or Medical Services) – Estate Agents and Employment Agencies, Other Services – Betting Shops, Principally where services are provided to visiting members of the public.	1000
Restaurants and Cafes (A3)	Restaurants and Cafés – Use for the sale of food for consumption on the premises, Excludes Internet Cafes (now A1).	300
Drinking Establishments (A4)	Use as a Public House, Wine-Bar or other Drinking Establishment.	300
Hot Food Takeaway (A5)	Use for the sale of hot food for consumption on or off the premises.	250
Business (B1)	(a) Offices other than in use within Class A2 (Financial and Professional Services). (b) Research and Development – Laboratories, Studios. (c) Light industry.	1500
General Industrial (B2)	General Industry (Other than Classified as in B1), The Former “Special Industrial” Use Classes B3-B7, are now all encompassed in the B2 Use Class.	2500
Storage or Distribution (B8)	Storage or Distribution Centres-Wholesale Warehouses, Distribution Centres and Repositories.	3000
Hotels (C1)	Hotels, Boarding Houses and Guest Houses, Development fall within this class if “no significant element of care is provided”.	75 (bedrooms)
Residential Institutions – Hospitals, Nursing Homes (C2)	Used for the provision of residential accommodation and care to people in need of care.	30 (beds)

Source: Guidance on Transport Assessments (DCLG/ DfT2007)

Appendix 2

Land Use	Use/Description of Development	Threshold – by gross floor area (sq m) unless otherwise stated
Residential Institutions – Residential Educational facilities (C2)	Boarding schools and Training Centres.	50 (students)
Residential Institutions – Institutional Hostels (C2)	Homeless shelters, accommodation for people with learning difficulties and people on probation.	250 (residents)
Dwelling Houses (C3)	Dwellings for individuals, families or not more than six people; living together as a single household. Not more than six people living together includes – students or young people sharing a dwelling and small group homes for disabled or handicapped people living together in the community.	50 (units)
Non-Residential Institutions (D1)	Medical and Health Services – Clinics and Health Centres, Crèche, Day Nursery, Day Centres and Consulting Rooms (not attached to the Consultants or Doctors house), museums, Public Libraries, Art Galleries, Exhibition Halls, Non-residential Education and Training Centres, Places of Worship, Religious Instruction and Church Halls.	500
Assembly and Leisure (D2)	Cinemas, Dance and Concert Halls, Sports Halls, Swimming Baths, Skating Rinks, Gymnasiums, Bingo Halls and Casinos. Other Indoor and Outdoor Sports and Leisure Uses not involving motorised vehicles or firearms.	500
Others	For example: Stadium, Retail Warehouse Clubs, Amusement Arcades, Launderettes, Petrol Filling Stations, Taxi Businesses, Car/Vehicle Hire Businesses and the Selling and Displaying of Motor Vehicles, Nightclubs, Theatres, Hostels, Builders Yards, Garden Centres, PO's, Travel and Ticket Agencies, Hairdressers, Funeral Directors, Hire Shops, Dry Cleaners.	On their merits

Source: Guidance on Transport Assessments (DCLG/ DfT2007)

Appendix 3

Indicative Average Total Person Trip Rate (by Use Class) (Source: TRICS)

Use Class	Land Use	Threshold - by gross floor area (sq m) unless otherwise stated	Average Total Person Trip Rate (per unit)
A1 Retail	General Food Superstore Non Food Superstore Retail Park Units (including Food) Retail Park Units (excluding Food) DIY Superstore Garden Centre	Gross Floor Area (sq m) Gross Floor Area (sq m)	101 287 26 121 95 120 18
A2 Financial and Professional Services	Banks, Building Societies, Estate Agents, Betting Shops etc	Gross Floor Area (sq m)	101
A3-5 Food and Drink Uses	Pub, Restaurant etc	Gross Floor Area (sq m)	134
B1a Office	Office (General) Office (Business Park)	Gross Floor Area (sq m) Gross Floor Area (sq m)	15 19
B1b Research and Development		Gross Floor Area (sq m)	On its merits
B1c Light Industrial		Gross Floor Area (sq m)	7
B2 Industrial		Gross Floor Area (sq m)	7
B8 Warehousing and Distribution		Gross Floor Area (sq m)	10
C1 Hotel	Hotel, Boarding and Guest House (if no care is provided)	Gross Floor Area (sq m)	16
C2 Residential Institutions	Hospital Care / Nursing Home Other	Gross Floor Area (sq m) No of Residents	22 5 On its merits
C3 Residential	Dwellings Flats Student Accommodation Sheltered Accommodation Other	No of Dwellings No of Flats no of Bedrooms no of residents	10 3 4 4 On its merits

Appendix 3

Use Class	Land Use	Threshold - by gross floor area (sq m) unless otherwise stated	Average Total Person Trip Rate (per unit)
D1 Non-Residential Institutions	Clinic Doctors Surgery Dentist Surgery Primary School Secondary School College/University Nursery Library, Art Gallery, Museum, Exhibition Centre Other (including places of worship)	Gross Floor Area (sq m) Gross Floor Area (sq m)	78 140 74 79 34 56 29 32 On its merits
D2 Assembly and Leisure	Casino Sports Clubs and Gyms Multiplex Cinema Bingo Hall Bowling Alley Other	Gross Floor Area (sq m) Gross Floor Area (sq m) Gross Floor Area (sq m) No of Seats Gross Floor Area (sq m)	67 25 160 1 per seat 85 On its merits
Sui Generis	Hostel Night Clubs	No of Residents Gross Floor Area (sq m)	9 per resident

Model S106 Legal Agreement and Planning Condition:

Condition:

The development shall not commence until the Local Planning Authority has approved in writing the details of arrangements for the provision of public transport improvements as required by Unitary Development Plan (Review) Policies T2, T2D and guidance contained in the Supplementary Planning Document 'Public Transport Improvements and Developer Contributions' (August 2008). The improvements shall be secured and delivered in accordance with the approved arrangements.

Reason:

To ensure that new transport infrastructure is provided to meet the needs of the development and to ensure that the development does not create new transport and/or highway problems or exacerbate existing ones in accordance with transport policy as set out in the Leeds Unitary Development Plan Review.

Appendix 4: Model Section S106 Legal Agreement:

DATED 2008

LEEDS CITY COUNCIL (1)

-and-

(2)

AGREEMENT

under Section 106 of the Town and Country Planning Act 1990 (as amended)
relating to land at [] Leeds West Yorkshire

Nicole Jackson
Assistant Chief Executive(Corporate Governance)
Civic Hall
Leeds,
LS1 1UR

Appendix 4: Model S106 Legal Agreement

THIS AGREEMENT is made the

day of

2008

BETWEEN: -

- 1 LEEDS CITY COUNCIL Civic Hall, Leeds LS1 1UR ("the Council") of the first part;
- 2 [] (Company Registration Number) whose registered office is at [] ("the Owner") of the second part

1 DEFINITIONS AND INTERPRETATION

- 1.1 In this Agreement the following expressions shall have the following meanings: -

"1990 Act"	means the Town and Country Planning Act 1990 as amended;
"Administration Fee"	means the sum of 5% of the Contribution to be paid by the Owner to the Council to be applied by the Council in the proper administration and identification of such Contributions to appropriate schemes or projects
"Chief Planning Officer"	means the Chief Planning Officer of the Council for the time being or such other officer of the Council nominated by him for the purposes of this Agreement;
"Commencement of Development"	means the date upon which the Development shall commence by the carrying out on the Land pursuant to the Planning Permission of a material operation as specified in Section 56(2) of the Act save that the term "material operation" shall not include operations in connection with any work of or associated with demolition site clearance remediation works environmental investigation site and soil surveys erection of contractors work compound erection of site office erection of fencing to site boundary and Commencement of Development shall be construed accordingly;
"Contributions"	means such Contributions due from the Owner to the Council under this Agreement such payments to be Index Linked
"Development"	means the development of the Land in accordance with the Planning Permission;
"Financial Schedule"	means the [] Schedule of this Agreement that sets out in tabular form summary financial details of the planning obligations of the Owner herein
"First Occupation"	means the occupation of the first unit of the Development for any use authorised by the Permission but does not include occupation for the purposes of construction fitting out marketing or decorating and "occupy" and "occupation" shall be construed accordingly
"Index"	means the Building Cost Information Service All-in Tender Price Index published by the Royal Institution of Chartered Surveyors (or such other index as may be agreed between the parties);
"Index Linked"	means such increase to sums or sums payable to the Council (under this Agreement) on an annual basis or pro rata per diem from the date of the resolution by the appropriate Plans Panel of the Council to approve the grant of Planning Permission or from the date of the delegated decision taken by the Chief Planning Officer to approve the grant of Planning Permission to the date of payment based upon the Index last published before the date of the decision to approve the grant of Planning Permission or any publication substituted for it.
"Land"	means all that land situate at [] Leeds West Yorkshire shown edged red on the Plan
"Management Fee"	means the sum of £[] (pounds) being the Owner's maximum total contribution towards the costs incurred or to be incurred by the Council in project managing the implementation of section 106 agreement funded projects, monitoring, keeping of appropriate data and mechanisms up to date and related staff cost;
"Plan"	means the plan attached to this Agreement
"Planning Permission"	means a planning permission to be granted under reference number [] received on the [] the draft of which is annexed in the [] Schedule authorising the

Appendix 4: Model S106 Legal Agreement

"Public Transport Contribution"	Development of the Land in accordance with the Application the UDP the SPD and all material considerations in the form substantially attached to this Agreement Means the sum of £[]pounds to be paid to the Council which sum shall be held by the Council (in itself or as a Pooled Contribution) for the purposes of contributing towards public transport infrastructure improvements (as defined in Appendix 1 of the SPD) which may include environmental improvements as the Council in its absolute discretion shall decide.
"SPD"	Means the Leeds City Council's Public Transport Improvements and Developer Contributions Supplementary Planning Document adopted May 2008
"UDP"	Means the Leeds City Council Unitary Development Plan (Review) adopted on the 19th July 2006

- 1.2 Where the context so requires: -
 - 1.2.1 The singular includes the plural and vice versa and words importing the masculine gender only include the feminine gender and extend to include a corporation sole or aggregate;
 - 1.2.2 References to any party in this Agreement shall include the successors in title and assigns of that party and in the case of the Council shall include any successor local planning authority exercising planning powers under the 1990 Act;
 - 1.2.3 Where a party includes more than one person any obligations of that party shall be joint and several;
 - 1.2.4 Any covenant by the Owner not to knowingly do any act or thing shall be deemed to include a covenant not to cause permit or suffer the doing of that act or thing;
 - 1.2.5 A reference to an Act of Parliament refers to the 1990 Act as it applies at the date of this Agreement;
 - 1.2.6 References to clauses paragraphs and schedules are references to clauses paragraphs and schedules to this Agreement and are for reference only and shall not affect the construction of this Agreement.

2 RECITALS

- 2.1 By virtue of the 1990 Act the Council is the local planning authority for the purposes of this Agreement for the area in which the Land is situated and is the Authority by whom the planning obligations hereby created are enforceable.
- 2.2 The Owner is the owner of the part of the Land registered at HM Land Registry under Title Number
- 2.3 The Council would not grant Planning Permission for the Development unless the planning obligations contained herein were entered into by the Owner
- 2.4 The Owner by entering into this Agreement does so to create planning obligations in respect of the Land and each part of it in favour of the Council pursuant to Section 106 of the 1990 Act and to be bound by and observe and perform the covenants agreements conditions and stipulations hereinafter contained.

3 OPERATIVE PROVISIONS

- 3.1 This Agreement is a planning obligation made in pursuance of Section 106 of the 1990 Act as substituted by Section 12 of the Planning and Compensation Act 1991 and to the extent that the covenants in this Agreement are not made under Section 106 of the 1990 Act they are made under Section 111 of the Local Government Act 1972 and all other powers so enabling.
- 3.2 The planning obligation comprised in this Agreement shall not become effective until the date of this Agreement.
- 3.3 The Owner hereby covenants with the Council that the Land shall be permanently from the date hereof subject to the restrictions and provisions regulating the Development and use thereof specified in the First Schedule hereto.
- 3.4 It is agreed and declared as follows: -
 - 3.4.1 For the purpose of such parts of this Agreement as may be subject to the law against perpetuities this

Appendix 4: Model S106 Legal Agreement

Agreement shall remain in force for a period of 80 years from the date hereof or (if sooner) as long as any of such of the covenants conditions stipulations and agreements herein may not have been performed.

- 3.4.2 In this Agreement the expressions "the Council" and "the Owner" shall where the context so admits be deemed to include their respective successors in title and assigns.
- 3.4.3 No party shall be bound by the terms of this Agreement or be liable for the breach of any covenants restrictions or obligations contained in this Agreement occurring after he or it has parted with his or its interest in the Land or the part in respect of which such breach occurs (but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest);
- 3.4.4 Any dispute arising between the parties as to their respective rights duties or obligations or as to the failure of the Council to give or confirm its consent where required under this Agreement or as to any other matter or thing arising out of or connected with the subject matter of this Agreement or any failure to agree upon any matter may be referred in accordance with clause 3.4.5 below to the determination of an independent Chartered Surveyor.
- 3.4.5 Any reference to an independent Chartered Surveyor in accordance with clause 3.4.4 above shall be to a reputable Chartered Surveyor unconnected to any of the parties hereto and experienced in [] development matters who shall be agreed between the parties to the dispute or appointed on the application of any party to the dispute made at any time by the President of the Royal Institution of Chartered Surveyors or his duly appointed deputy and the decision of such independent Chartered Surveyor shall be final and binding upon the parties to the dispute and the parties hereby agree to act in accordance with the decision (save for manifest error) and if the parties to the dispute shall agree in writing such reference shall be deemed to be a reference to an expert (and not an arbitrator) but shall otherwise be deemed to be a reference to an arbitrator pursuant to the Arbitration Act 1996 and if any Chartered Surveyor shall act as an expert pursuant to the terms of this clause 3.4.5 then each of the parties to the dispute shall be entitled to submit to him representations and cross representations with such supporting evidence as they shall consider necessary and he shall have regard thereto in making his decision which he shall deliver in writing as expediently as possible and the reference to him shall include authority to determine in what manner all the costs of the referral (whether incurred by the parties to the dispute or the Chartered Surveyor himself) shall be paid.
- 3.4.6 Where any notice or confirmation is to be served on the Chief Planning Officer or the Council under the terms of this Agreement such notice or confirmation shall be sent to the Chief Planning Officer at the Development Department, Planning Services, The Leonardo Building, 2 Rossington Street, Leeds LS2 8HD quoting the reference number
- 3.4.7 If the Planning Permission shall expire before the Commencement of Development or shall at any time be revoked this Agreement shall terminate and cease to have effect and the Council shall immediately remove any entry relating to this Agreement from the Register of Local Land Charges.
- 3.4.8 Nothing in this Agreement shall be construed as restricting the exercise by the Council of any power or discretion exercisable by it under the 1990 Act or under any other Act of Parliament nor prejudicing or affecting the Council's rights powers duties and obligations in any capacity as a local or public authority.
- 3.4.9 The obligations hereby created shall be registered as a Local Land Charge.
- 3.4.10 No person who is not a party to this Agreement may enforce any terms hereof pursuant to the Contracts (Right of Third Parties) Act 1999 provided that this clause shall not affect any right of action of any person to whom this Agreement has been lawfully assigned or becomes vested in law.
- 3.4.11 Nothing in this Agreement shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than one relating to the Development as specified in the Application) granted after the date of this Agreement.
- 3.4.12 The Developer shall pay to the Council its reasonable legal fees on completion of this Agreement
- 3.4.13 The Developer shall pay to the Council the Administration Fee prior to the Commencement of

Appendix 4: Model S106 Legal Agreement

Development by sending or delivering the same to the Chief Planning Officer at Leonardo Building 2 Rossington Street Leeds LS2 8HD quoting the reference number

- 3.4.14 The Developer shall pay to the Council the Management Fee within one month of the date of this Agreement by sending or delivering the same to the Chief Planning Officer at Leonardo Building 2 Rossington Street Leeds LS2 8HD quoting the reference number

FIRST SCHEDULE

("the Owner's Planning Obligations")

The Owner hereby covenants with the Council: -

Public Transport Contribution

- 1.1 It will notify the Council in writing of the date upon which it intends to

- begin the Development or
- open the Development for use by members of the public or guests or
- commence the demolition of existing buildings upon the Land

which date shall be the "Due Date" for the purposes of this Agreement and if it shall not have so notified the Council in writing of the Due Date the Council shall be entitled to notify the Developer in writing specifying what in its reasonable opinion is the Due Date.

- 1.2 It shall not begin the Development nor shall it allow or permit the Development to be begun (as defined in Section 56 of the 1990 Act) until it has paid to the Council the Public Transport Contribution or

no later than (.....) after the date upon which the Development is begun (as defined in Section 56 of the 1990 Act) it shall pay to the Council the Public Transport Contribution or

it shall not open the Development for use by members of the public or guests nor shall it allow or permit the Development to be so opened until it has paid to the Council the Public Transport Contribution or

no later than (.....) following the issue of the Certificate of Practical Completion indicating that the Development is available for use and occupation it shall pay to the Council the Public Transport Contribution or

within (.....) of the commencement of demolition of the existing building upon the Land it shall pay to the Council the Public Transport Contribution or

by no later than the (.....) year anniversary of the date upon which (.....) it shall pay to the Council the Public Transport Contribution (or outstanding instalments of the Public Transport Contribution if phased payment has been agreed).

Appendix 4: Model S106 Legal Agreement

SECOND SCHEDULE ("the Council's Covenants")

The Council hereby covenants with the Owner: -

- 1 To issue a receipt on request for the Public Transport Contribution if applicable.
- 2 To place the Public Transport Contribution if applicable in an interest bearing account or in separate accounts as the Council shall in its discretion decide.
- 3 To use the Public Transport Contribution for public transport infrastructure improvements as defined in Appendix 1 of the SPD.
- 4 That in the event that, if applicable, the Public Transport Contribution or any part or parts thereof are not expended within ten years of the date of payment then the sum or sums not expended plus interest accrued will be repaid to the Owner or its nominee.

THIRD SCHEDULE ("Draft Decision Notice")

FOURTH SCHEDULE (Summary Financial Details)

The summary provides brief details of the principal financial obligations contained in this Agreement and reference must be made to the full Agreement for their full force and effect

Clause	On/off Site	Obligation	Sum Due	Due Date	Interest	Date Indexed	Fund	Claw back period

IN WITNESS whereof the parties hereto have executed this Deed the day and year first before written

THE COMMON SEAL of
LEEDS CITY COUNCIL
was hereunto affixed in the presence of: -

Assistant Chief Executive (Corporate Governance)

EXECUTED as a DEED by

acting by these two officers: -

Director

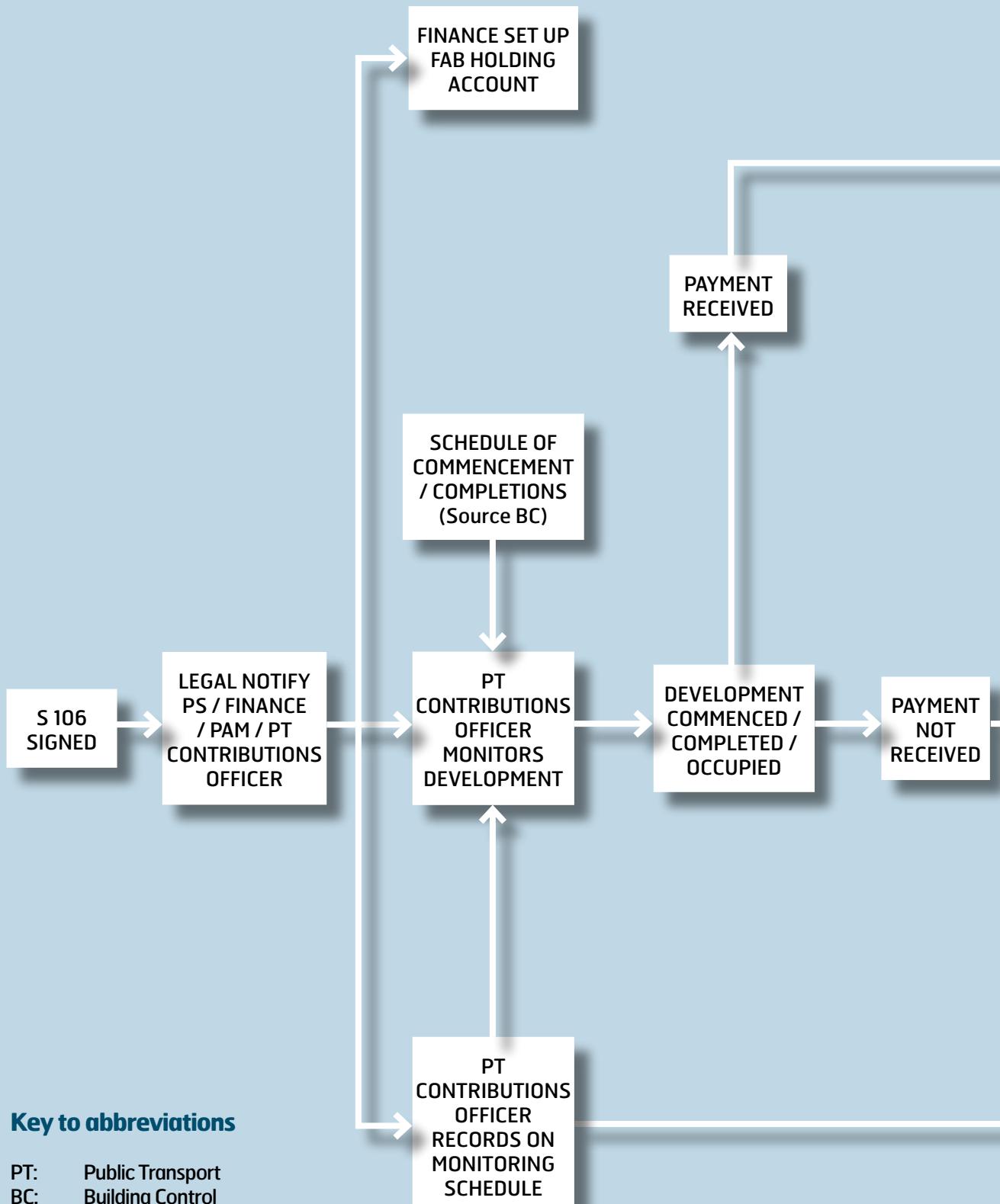
Director/Secretary

Procedures for Collection of Contributions Towards Public Transport Infrastructure Improvements Generated by Section 106 Agreements

The following procedure has now been put in place, and should be followed for all applications which are subject of a Section 106 Contribution towards Public Transport Infrastructure Improvements, (see also attached flow chart).

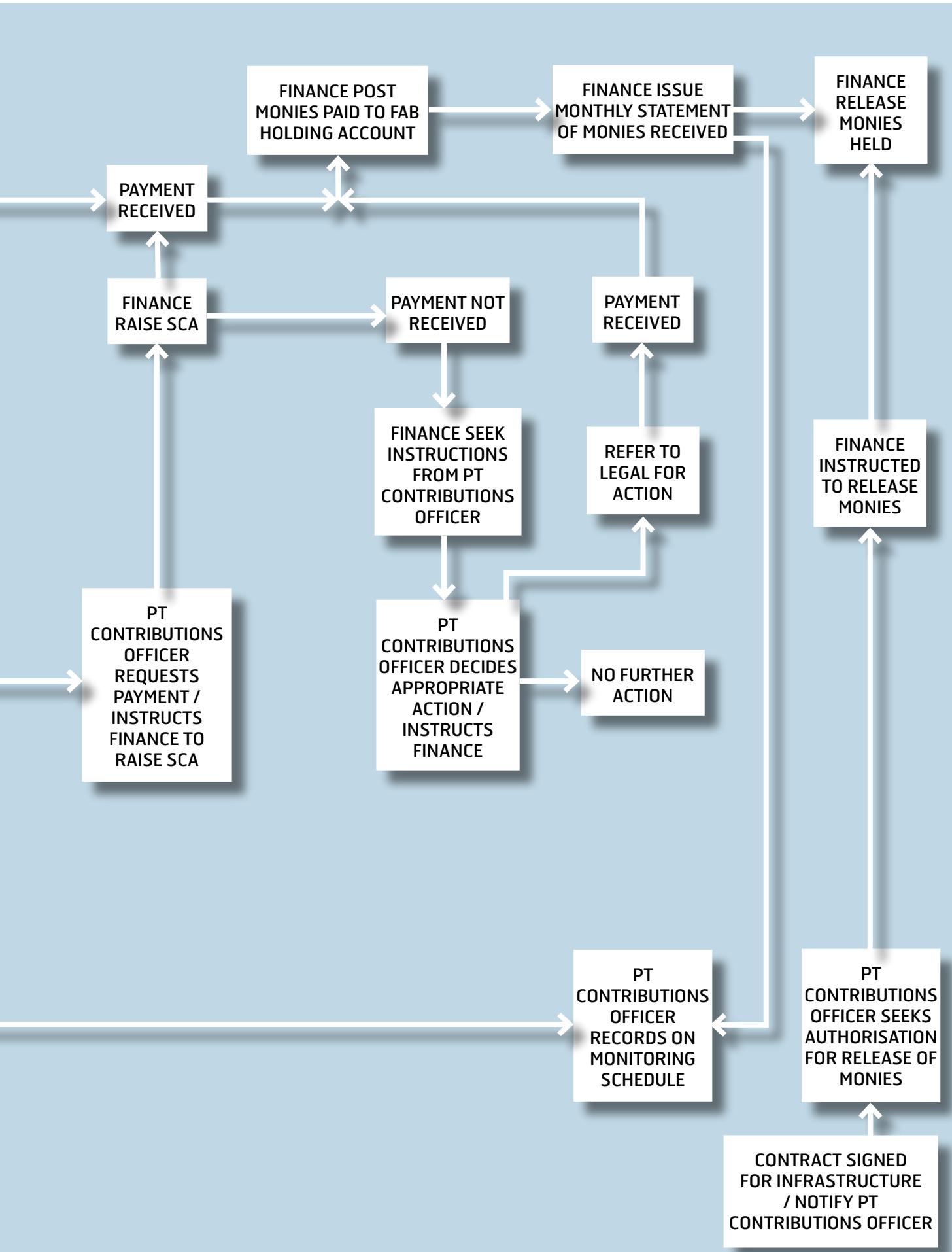
- 1 Legal and Democratic Services to supply relevant Planning Services Area Planning Manager with copy of Section 106, and notify the Planning Agreements Manager, the Public Transport Contributions Officer and Finance when Section 106 Agreement is signed.
- 2 Finance set up FAB (Financial Accounting and Budgeting system) holding account on receipt of notification from Legal and Democratic Services.
- 3 Public Transport Contributions Officer to record completion of Section 106 Agreement on Schedule of Applications (subject to Section 106).
- 4 Public Transport Contributions Officer to monitor development for relevant payment trigger point utilising schedules for commencements and completions supplied by Building Control, and on-site monitoring for occupation.
- 5 When relevant trigger point of development is reached Public Transport Contributions Officer to instruct Finance to raise Sundry Charge Account, using Sundry Charge Account Request Form.
- 6 Public Transport Contributions Officer to request payment using standard letter with invoice from Finance posted separately.
- 7 Payments received to be posted to relevant FAB account by Finance.
- 8 If payment not received 28 days from the date of the request letter, Sundry Income section to pursue payment, using standard sundry charge follow up procedure . Monies received to posted to FAB account (as 7 above).
- 9 Finance to issue monthly statement of monies received to Public Transport Contributions Officer.
- 10 Public Transport Contributions Officer to update monitoring schedule accordingly
- 11 Public Transport Contributions Officer to be notified of signing of contract for relevant public transport infrastructure works.
- 12 Public Transport Contributions Officer to seek authorisation for release of monies from FAB account for works, and to instruct Finance accordingly.
- 13 Monies received transferred by Finance from FAB account to relevant account for the works.
- 14 Public Transport Contributions Officer to update Monitoring schedule to record transfer of funds.

Appendix 5: Procedure for Collection of S106 Monies



Key to abbreviations

- PT: Public Transport
- BC: Building Control
- PS: Planning Service
- PAM: Planning Agreements Manager
- SCA: Sundry Charge Account
- FAB: Financial Accounting and Budget System



Formula for Calculating Level of Contribution Required

Introduction

As advocated by the Practice Guidance, the proposed methodology outlined below utilises a formulaic approach which has the advantages of allowing:

- the level of contribution to vary with the scale of development
- assumptions about impacts and costs to be updated over time (and for specific local circumstances and Area Action Plans).

The starting point for the approach is the typical formula set out in the Guidance namely:

The developer = the development unit x the impact multiplier x the cost multiplier

or in shorthand:

$$DC = DU \times IM \times CM$$

For the purpose of this Public Transport SPD, the components of this standard formula are derived as follows:

- ‘the development unit’ (DU) will be the floorspace of individual land uses (or no of units)
- ‘the impact multiplier’ (IM) will be the number of total person trips generated per ‘development unit’, factored to take account of the required modal split
- ‘the cost multiplier’ (CM) will be an estimate of the average cost per additional trips of providing the required public transport infrastructure.

In order to take account of modal split and the relative accessibility of different development

sites, the following components have also been added to the basic formula:

- ‘the modal split factor’ (see para 5.3.5) is the required proportion of trips by public transport applicable to the location of the development.
- ‘the location factor’ (see Table 3) relates to the accessibility of the site – the more accessible the location, the lower the location factor.

Calculation of Public Transport Cost Multiplier

The calculation of the public transport cost multiplier is derived from the schedule of Required Public Transport Schemes detailed in Appendix 1.

A detailed assessment of these schemes has been carried out by Faber Maunsell (Faber Maunsell 2008) in this assessment, the cost per additional public transport passenger (of providing the required infrastructure) was derived by comparing the total estimated capital cost of the schemes in Appendix 1 against their total forecast additional patronage. For the purpose of this calculation, only those schemes where an outline business case was available were included in order to provide as robust an estimate as possible.

It should be noted that the assessment carried out by Faber Maunsell has taken care not to double count the benefit of public transport investment. The patronage growth estimates used have been discounted to allow for abstraction from other public transport schemes such that only the net increase of public transport trips was included in the calculation.

Appendix 6

The results of this assessment are summarised in Table 5 below:

Table 5: Public Transport Cost Multiplier

Detail	Total Capital Cost	Additional Patronage	Capital Cost per Additional passenger trip (£)	Capital Cost per additional daily trip (£)
OBC Estimates	£75,460,710	3,562,777	£21-18	£6,884

This estimate is current as of May 2008. As time progresses more information on schemes in Appendix 1 of the SPD will become available as individual schemes are taken forward to their Outline Business Case stage. As and when schemes reach this stage their costs and forecast patronage detail will be included in the above calculation in order to update the capital cost per additional daily trip of providing the required infrastructure. The revised level of the public transport cost multiplier will therefore be updated (as appropriate) in the Annual Monitoring Report to the LDF, and the revised estimate will be applied to calculations of developer contributions from the date of the publication of that Monitoring Report.

a development in Leeds completes the above calculation electronically. It should be stressed that this facility relies solely on the standard formula as applied to the factors entered. The final level of contribution required may vary depending on the circumstances of the individual application and other material factors (see section 4.5 for further details).

Formula to be Applied to Estimate Developer Contribution Required

The level of public transport contribution to be sought for individual developments which have a significant travel impact (i.e. above the national threshold for requiring a transport statement see Appendix 2) will therefore be calculated as follows:

$$\text{The developer contribution} = \frac{\text{gross floor space}}{\text{person trip rate}^*} \times \frac{\text{modal split}}{\text{cost per trip}} \times \frac{\text{locational factor}}{\text{The trip}}$$

*The formula relates to one way trips. When using TRICS data (two way trips), a conversion factor of 0.5 is therefore applied.

For the benefit of applicants and agents an on line facility has been provided on the City Council website, which by entering the proposed use, the floor space (or no of units as appropriate) and the location of

Appendix 7

Worked up Examples

a) City Centre Location

Land Use	Floor Area (or number of units) Proposed	2 Way Person Trip Rate (per 100sqm or per unit)	Total Number of 2 Way Person Trips (per 100sqm or per unit)	Total Number of 1 Way Person Trips (per 100sqm or per unit)
	(sq m or number of units)	(Derived from TRICS)	(100 sq m of floor area or number of units multiplied by the trip rate)	(Total Number of 2 Way Person Trips multiplied by 0.5)
B1 (offices)	3000 sqm	15	450	225
C3 (apartments)	80 units	3	240	120
C3 (houses)	60 units	10	600	300
Total				

Factors specific to the city centre:

- Modal Split factor = 0.5
- Locational Factor = 0.05

Discount factors applied:

- Previous use trip generation
- Other S106 requirements (e.g. affordable housing)

Number of Public Transport Trips	Cost of Providing for Public Transport Trips	Cost After Application of Locational Factor	Discount Applicable in Accordance With SPD Para 4.7	Developer Contribution Required
(Number of 1 Way person trips multiplied by the Modal Split Factor, 0.5 for the City Centre)	(Number of Public Transport Trips multiplied by the Public Transport Cost Multiplier, £6,884 per trip)	(Public Transport Cost Multiplied by the Locational Factor, 0.05 for the City Centre)	(See below for details)	(Cost after application of locational factor and discount taken into account)
113	£774,450	£38,723	10%	£34,850
60	£413,040	£20,652	10%	£18,587
150	£1,032,600	£51,630	10%	£46,467
£111,005				£99,904

Appendix 7

b) Town Centre Location

Land Use	Floor Area (or number of units) Proposed	2 Way Person Trip Rate (per 100sqm or per unit)	Total Number of 2 Way Person Trips (per 100sqm or per unit)	Total Number of 1 Way Person Trips (per 100sqm or per unit)
	(sq m or number of units)	(Derived from TRICS)	(100 sq m of floor area or number of units multiplied by the trip rate)	(Total Number of 2 Way Person Trips multiplied by 0.5)
B1 (offices)	3000 sqm	15	450	225
C3 (apartments)	80 units	3	240	120
C3 (houses)	60 units	10	600	300
Total				

Factors specific to town centre locations:

- Modal Split factor = 0.25
- Locational Factor = 0.125

Discount factors applied:

- Previous use trip generation
- Other S106 requirements (e.g. affordable housing)

Number of Public Transport Trips	Cost of Providing for Public Transport Trips	Cost After Application of Locational Factor	Discount Applicable in Accordance With SPD Para 4.7	Developer Contribution Required
(Number of 1 Way person trips multiplied by the Modal Split Factor, 0.25 for Town Centres)	(Number of Public Transport Trips multiplied by the Public Transport Cost Multiplier, £6,884 per trip)	(Public Transport Cost Multiplied by the Locational Factor, 0.125 for Town Centres)	(See below for details)	(Cost after application of locational factor and discount taken into account)
56	£387,225	£48,403	10%	£43,563
30	£206,520	£25,815	10%	£23,234
75	£516,300	£64,538	10%	£58,084
£138,756				£124,880

Appendix 7

c) Out of Centre (accessible) Location

Land Use	Floor Area (or number of units) Proposed	2 Way Person Trip Rate (per 100sqm or per unit)	Total Number of 2 Way Person Trips (per 100sqm or per unit)	Total Number of 1 Way Person Trips (per 100sqm or per unit)
	(sq m or number of units)	(Derived from TRICS)	(100 sq m of floor area or number of units multiplied by the trip rate)	(Total Number of 2 Way Person Trips multiplied by 0.5)
B1 (offices)	3000 sqm	15	450	225
C3 (apartments)	80 units	3	240	120
C3 (houses)	60 units	10	600	300
Total				

Factors specific to out of centre locations:

- Modal Split factor = 0.25
- Locational Factor = 0.15

Discount factors applied:

- Previous use trip generation
- Other S106 requirements (e.g. affordable housing)

d) Out of Centre Location (public transport accessibility requirements not met)

- Specific measures to be implemented by developer/applicant to provide required level of accessibility.

Number of Public Transport Trips	Cost of Providing for Public Transport Trips	Cost After Application of Locational Factor	Discount Applicable in Accordance With SPD Para 4.7	Developer Contribution Required
(Number of 1 Way person trips multiplied by the Modal Split Factor, 0.25 for out of centre locations)	(Number of Public Transport Trips multiplied by the Public Transport Cost Multiplier, £6,884 per trip)	(Public Transport Cost Multiplied by the Locational Factor, 0.15 for out of centre locations)	(See below for details)	(Cost after application of locational factor and discount taken into account)
56	£387,225	£58,084	10%	£52,275
30	£206,520	£30,978	10%	£27,880
75	£516,300	£77,445	10%	£69,701
£166,507				£149,856



Contact Details

Write to: Planning and Economic Policy
Leeds City Council
Thoresby House, Level 3
2 Rossington Street
LEEDS LS2 8HD

Telephone: 0113 24 78075

Email: ldf@leeds.gov.uk

Web: www.leeds.gov.uk/ldf

Public Transport Improvements and Developer Contributions

Leeds Local Development Framework

Supplementary Planning Document
August 2008