



## Brentwood Borough Council response to the Essex County Council revised Developers' Guide to Infrastructure Contributions

December 2019

1. Brentwood Borough Council notes that Essex County Council's revised Developers' Guide to Infrastructure Contributions introduces several new and updated requirements. Whilst the Council welcomes the intention to improve the current approach to be more transparent and collaborative with the development industry, it wishes to raise the following comments:
2. The new and updated requirements in the revised developers' guide have not been discussed with Brentwood Borough Council officers prior to it being published. It is unclear from the document and the consultation portal whether and which other local authorities and partners have been involved in updating the revised developers' guide. Going forward, the Council would like to continue collaborating with Essex County Council (ECC) and other local authorities and partners in making the developers' guide a more effective instrument in the planning process.
3. The Council is finalising its Local Plan with Submission expected in early 2020. ECC's revised guidance and new requirements for infrastructure contributions have not been considered in BBC's Infrastructure Delivery Plan (IDP) and viability work, and so the Council is concerned that this could have negative implications on the Brentwood plan making process.
4. The revised developers' guide does not address a gap that has existed in the current process whereby it is not flexible enough and so local authorities often have limited control over the management of developer contributions to address its specific local infrastructure challenges. As it is noted from the guide, the revised guidance only concerns obligations involving ECC; issues such as affordable housing, open space, certain strategic transport infrastructure are not covered by ECC. Local planning authorities face different local infrastructure challenges and have different priorities from that of ECC and other parts of Essex. For example, as per past records of Section 106 (S106) agreements, over 50% of funding collected by ECC from Brentwood planning applications from 2013-2019 were spent on education; if measured against the total S106 agreements collected in Brentwood, this is over 40%. Whilst education provision is important, it should not have assumed the single biggest funding portion, which is a result of the current approach to collection and management of developer

contributions between ECC and Brentwood Borough Council. It is important that a joined up approach between ECC and local authorities is flexible enough to bridge this gap. A holistic coordinated approach is welcomed, but it must be flexible enough for local authorities to respond promptly to their specific issues.

5. It is unclear from the revised developers' guide the rationales behind ECC's proposed changes to thresholds and trigger points for developer contributions. BBC requests that this is explained and made explicit. For example, the Child Yield method appears challengeable. It was not explained whether the child yield from housing and employment development relates to any benchmarking surveys, it is also unclear how element of double counting would be avoided on large-scale mixed-use developments.
6. Regarding the template of a S106 agreement with ECC as the first signatory, this gives the impression that it is a comprehensive template for developer contributions for planning applications whilst in fact, it only includes obligations involving ECC. This will be confusing for developers who may instigate S106 agreement drafting on this basis.
7. Section 4.2 requirement regarding New School Site should be revised to allow more flexibility on sites with technical constraints.

Current text which reads:

*"It should also be noted that where there is a requirement for a new primary and secondary school then the land for these uses should be co-located to facilitate an all-through school."*

...should be updated as follows:

*"unless this is not technically feasible due to site constraints and a satisfactory alternative arrangement is put forward that will still be able to deliver important benefits of a co-located school site, including: sound place-making, operational efficiencies, etc".*

8. Table 5A Contributions Reference Table should be revised as followed:

- a) Item 5.6 (Public Health) Expected Contribution which reads:

*"None – expectations re Health Impact Assessments."*

...should be reworded more clearly, such as:

*"Any relevant contributions to be informed by the Health Impact Assessment process"*

- b) Item 5.8 (Travel Planning) Expected Contribution currently does not mention other large scale uses such as education and sports/leisure. The following text should therefore be deleted:

*“Travel packs in all cases, travel plans for 80 + dwellings. Work travel plans on employment sites where there will be 50+ employees.”*

...and replaced with:

*“Any relevant contributions to be identified by Transport Assessments’ Highways and Transportation mitigation schemes including Travel Plan(s).”*

- c) Item 5.9 (Passenger Transport) Expected Contribution, which currently reads:

*“Bespoke contributions for small sites – funding towards bus infrastructure; medium sites – fund diversions to existing routes or make a contribution to a new route; large sites – provide a transport service. Commercial sites as required.”*

... bespoke contribution may also be required for major developments.

- d) Item 5.12 (Public Art) Expected Contribution, which currently reads:

*“As per ECC expectations”*

...should refer to ECC Public Art Strategy as well as locally identified requirements, as appropriate.

- e) Current note which reads

*“NB All costs referred to are as at April 2019 and may increase each year.”*

...this requires cross-reference to (or additional elaboration of) circumstances for increases such as indexation and review. There may be circumstances when contributions should reasonably decrease.

- f) Item 5.1 (Early Years and Child Care) Expected Contribution, which currently reads:

*“0.09 per flat, 0.045 per house”*

...should be amended to:

*“0.045 per flat, 0.09 per house”*

- g) Item 5.2 (Primary Pupil Product) Expected Contribution, which currently reads:

*“0.3 per flat, 0.15 per house”*

...should be amended to:

*“0.15 per flat, 0.3 per house”*

- h) Item 5.2 (Secondary Pupil Product) Expected Contribution, which currently reads:

*“0.2 per flat, 0.1 per house”*

...should be amended to:

*“0.1 per flat, 0.2 per house”*

9. Taking this response into account, the Council requests that ECC reconsider the revised developers' guide in light of further engagement. In its current form, the document lacks clarity and does not allow flexibility for local authorities to respond to their own challenges and cross-boundary issues. Moving forward, the Council would welcome a joined-up conversation with ECC and neighbouring authorities on a revised approach.

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