

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

February 2023

1. Brentwood Borough Council notes that Essex County Council's revised Developers' Guide to Infrastructure Contribution introduces several new and updated requirements. Whilst the Council welcomes the intention to ensure a transparent and collaborative approach with the development industry, the Council does have some concerns as outlined below. A number of the comments have remained unchanged from the previous developers' guide which was updated in 2019. However, as these issues still exist it was felt necessary to restate them again. Moving forward BBC would welcome the opportunity to discuss ECC produced documents, such as future updates to the developers' guide at an earlier stage so that BBC's comments and concerns can be addressed earlier on in the process.
2. The new and updated requirements in the revised developers' guide were not discussed with Brentwood Borough Council officers prior to the six week consultation period. The Council's response to the 2019 version of the Developers' Guide, it was raised that the Council would like to collaborate more with Essex County Council moving forward, to make the Developers' Guide a more effective instrument in the planning process. The Council would welcome the opportunity to discuss the development of future iterations of the Developers' Guide through the council's regular update meetings.
3. The Council has recently adopted its Local Plan and concluded its Community Infrastructure Levy (CIL) Regulation 16 consultation with the intentions of submitting for examination within the coming weeks. The Council's CIL Draft Charging schedule is based on its most recent Infrastructure Delivery Plan (IDP) and viability work. The Council is concerned that the new and updated Developers' Guide could have a negative impact on the viability of sites allocated within the Plan and draft CIL.
4. The revised developers' guide does not address a gap in the 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 that 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. This point was raised by Brentwood Borough Council during the 2019 consultation as well, and it is disappointing that this approach has remained unchanged.

5. It is unclear from the developers' guide what the rationale is behind ECC's proposed changes to the thresholds and trigger points for developer contributions. BBC request 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 elements of double counting would be avoided on large-scale mixed-use developments.
6. Taking into account Brentwood's 2019 consultation response and this response to the 2023 developers guide, the Council requests that ECC reconsider the revised developers' guide in light of future 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.