



The Essex County Council Developers' Guide to Infrastructure Contributions

Proposed revisions 2023



Essex County Council

Essex County Council

Summary

Essex County Council (ECC) is proud to have been at the forefront in supporting the development of the new homes needed, the provision of jobs and industry and the infrastructure required to support this growth. Over the years ECC supported the two post-war New Towns of Basildon and Harlow and major town expansions such as Witham and the creation of a new settlement in South Woodham Ferrers, which was established using clear master planning and design guide principles. On this basis we have a clear track record in facilitating and supporting a Plan led approach to development through District/Borough/City Councils' Local Plans. The future will place even greater pressure on the county to provide for the housing, employment and the sustainable infrastructure needs that go with it, including proposals for several new settlements and Garden Communities, as well as the need to deal with complex Nationally Significant Infrastructure Projects (NSIPs) ~~including the new Bradwell Power Station and the Lower Thames Crossing.~~

It is recognised that Essex is a uniquely diverse county containing in equal measure, thriving urban environments and sweeping open rural landscapes which residents naturally wish to see retained and enhanced where possible. Good planning is about being pro-active and being able to achieve the right balance between conserving the best of the environment and planning ahead to ensure we have a Plan led approach to ensure we can create great places for people's needs through well designed and well-balanced new development, designing out the need to travel by car and delivering on our climate targets¹. We have worked with our partner local authorities to produce best practice guidance through the Essex Design Guide and other equally important documents to help us shape our future, whether this is in relation to planning for an ageing community, our health and wellbeing requirements climate change mitigation and adaptation or the smart and digital technological needs that new places of the future will require. What we all - developers and local authorities alike - are looking for is to achieve good quality, well designed developments that are aligned with our climate targets and which are sympathetic to their surrounding environment, whether this is in an urban or rural context.

Because of these challenges and ever-changing needs, we feel we need a more dynamic approach to the management of development in our County, ensuring the right balance between those competing needs and facilitating much needed infrastructure provision through whole-heartedly advocating the national policy desire to operate a plan led system. The only way of appropriately managing our infrastructure needs is to ensure a holistic approach to development requirements, by supporting a Local Plan led approach to planning development, whilst resisting speculative, unplanned development.

There have been and continue to be many and various changes to the planning system aimed at accelerating development, particularly housing delivery. What is new is that Government are now balancing pace of delivery with a much stronger focus on need for this to be well-designed to be able to create sustainable, beautiful places for people to live in, work and enjoy. It is evidently clear that past performance, and the unplanned speculative nature of development in some places in Essex which have not had up to date Local Plans in place, has placed an added burden on the public purse

¹ [Essex Climate Action Plan \(ctfassets.net\)](https://ctfassets.net)

to mitigate the infrastructure deficit that should have been addressed through the development itself. There is an inherent danger that increased pace of delivery will compromise the provision of accompanying infrastructure unless the local authorities work together to adopt a more transparent and collaborative approach by working with the development industry. This updated guide is aimed at providing exactly that – a clear and transparent way for the development industry to understand our expectations and how to approach the provision of development should they wish to do business in Essex. In return we commit to a high quality and professional approach in our engagement with the planning process – advocating development that is compliant with emerging or adopted local plans and resisting speculative applications that have not demonstrated adequate assessment of their impact in the light of these Local Plans and provided appropriate mitigation.

That's why we are issuing, through this latest edition of our Developers' Guide, a call to developers to help us meet this challenge. To succeed over the longer term here in Essex we need an innovative partnership with developers where we all look further into the future to ensure a steady pipeline of sustainable development. One change for example, is a new requirement for developers to assist in addressing the perceived shortage of labour and skills in connection with the construction industry, by contributing towards new apprenticeships and encouraging interest in this industry.

This approach is clearly in line with the aspirations of national policy including recent advice from the Department for Education on the expectations that developers will contribute towards education provision required for their development, being overt in our support for planned and high-quality development that brings with it appropriate infrastructure provision and economic benefits for Essex, whilst resisting ill thought-out and speculative applications.

Housebuilders and developers should understand as a result, that if their planning applications are deficient in terms of infrastructure provision, there will be a greater likelihood that such applications will generate an objection from ECC and be resisted to avoid further impact on our communities and pressure on ever decreasing public funds that would otherwise have to pick up the shortfall.

ECC is concerned about the cumulative impact of the smaller scale developments which do have an impact on existing local infrastructure. The lifting of the S106 'pooling' restriction has helped. Equally ECC supports local authorities that introduce a Community Infrastructure Levy (CIL) scheme when applied to the smaller sites, thereby ensuring all new developments contribute appropriately to mitigate the impact of development sites.

Another change is the requirement for on the provision of sustainable and active modes of travel requiring taking a longer and more strategic view than they might normally take. ECC expects developers, both individually and where appropriate working together, to design sustainable infrastructure to complement and focus on sustainable and active modes of travel, and the sustainability and the integrity of the highway and transportation network in which it will become an integral part, including the need for passenger transport due to the success of individual development sites. This will ensure that the long-term impacts of the development on ECC infrastructure are comprehensively dealt with.

As more Districts work towards introducing a CIL, planning obligations (S106) will be required to operate alongside CIL when dealing with the larger sites and land for new

schools and site mitigation. Whilst the use of the Infrastructure Levy is not currently applicable the work to establish the additional infrastructure cost of each new house is still of relevance and demonstrates that everyone should be contributing to this shared issue in a fair and even-handed way.

We have also noted that Government seems to listen and act when a strong local coalition of interests comes together to pursue a single, shared objective. We want and need to build that type of coalition across the family of Essex local authorities.

Good quality well planned infrastructure is important to achieving good place-making, and this does have a development land value cost. However, for unplanned or speculative development with inadequate infrastructure, this will cost even more in the long run, and it is only through the provision of planned development, complemented by appropriate infrastructure provision, that we can achieve a truly sustainable future for Essex.

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Introduction

1. Introduction

1.1. Purpose of this guide

This document is the latest edition of the Essex County Council Developers' Guide to Infrastructure Contributions. As with previous editions, it details the scope and range of contributions towards infrastructure which Essex County Council (ECC) may seek from developers and land owners in order to mitigate the impact and make development acceptable in planning terms.

This Guide aligns with the overall aims of the National Planning Policy Framework (NPPF) by supporting sustainable development [and is supported by national and locally derived evidence](#). By promoting a consistent and transparent approach, developers can be assured that they are making a fair contribution to the infrastructure needed to support growth, and local residents can understand how development in their area makes a positive contribution to their community. The Guide also aims to assist Local Planning Authorities in producing Local Plans and supporting evidence they require, and where applicable, the Community Infrastructure Levy (CIL). Our aim is to ensure that infrastructure is delivered in a timely manner and thereby ensuring that new development does not have an adverse impact on existing communities, by ensuring the new developments proposed properly and fairly address their own infrastructure needs and do not detract from the quality of life in Essex.

1.2. What is new in this guide

This version of the Guide takes account of the review of the Community Infrastructure Levy (CIL) Regulations 2010 which has resulted in some significant changes to the current Regulations. The regulations allow Local Planning Authorities to introduce a floor-space based charge on new development known as the CIL. At present Chelmsford City Council has implemented CIL, whilst a number of others are in the process of doing so. At the same time, as part of the process of bringing in CIL, the Regulations originally limited the use of Section 106 (S106) contributions and specifically the number of contributions which could be 'pooled' to finance a single infrastructure project, or type of infrastructure which limited this to 5 sites has been lifted. Central Government lifted this on 1st September 2019. Contributions can now be collected from more development sites towards infrastructure in the localities in which the funding has been raised and where the infrastructure is required.

The table below sets out the contributions outlined in this Guide and shows where changes have been made from the previous guide.

Table 1: Contributions outlined in this guide

Contribution Type	Contributions and/or Changes
Early Years and Childcare	Financial contribution from all sites of 20+ dwellings and land for new build where appropriate
Primary/Secondary	Financial contribution from all sites of 20+ dwellings and land for new build where appropriate
Special Education Needs	Financial contribution from sites of <u>12000+</u> dwellings
Post 16 provision	Financial contribution from sites of 20+ dwellings
Employment and Skills	Employment and Skills Plans: template and county-wide approach identified.
Highways	Changes to the commuted sums for maintenance. Addition of need for provision of Active and Sustainable Travel, and compliance with Cycling Infrastructure LTN 1/20 and Manual for Streets
Travel Planning	Travel plans now requested for sites of 80+ dwellings (rather than 250+)
Waste and Recycling	Contributions from Garden Community Developments
Libraries	R requirement for financial contributions in respect of developments of 20+ dwellings dependent on local requirements
Monitoring charges	Monitoring charges will be applied where there is infrastructure provision needed for which ECC is the statutory authority including schools and transport

1.3. Infrastructure covered by this guide

The Guide covers the administrative area of ECC, and the infrastructure referred to focuses on those services provided by this Council. This includes highways, early years and childcare facilities, schools, travel planning, libraries, waste management, specialist housing (adult social care) and in the case of employment and skills where this is not addressed by the local authority.

Both Southend-on-Sea and Thurrock are unitary authorities and they thereby provide all the services, including education, adult social care and highways and thereby operate their own developer contribution policies, and apply their own infrastructure pricing structure.

The Guide does not cover the infrastructure or service requirements applied by the local authorities themselves (City, District and Borough Councils), such as affordable housing or public open space provision. This Guide does however within 'Section 6 (Further Advice on key issues) identify that there are other infrastructure providers, such as the NHS or the Police and Fire Service who need to be engaged and taken into account when planning for new development. Section 6 of this Guide provides some helpful contacts and information developers may find helpful.

1.4. The status of the guide.

Whilst not a statutory planning document, this Guide, provides up to date prices, requirements and expectations to enable both developers and local authority officers and planning committee members to understand the infrastructure cost and requirements to mitigate development and provide for infrastructure needs. This Guide seeks to identify the cost of mitigating infrastructure requirements identified and provides a framework on which ECC will respond to submitted planning applications. The local planning authority will take the responsibility of weighing up the identified planning obligations when considering planning applications to achieve policy compliant decisions. In circumstances where required, the County Council will object to planning applications where mitigation measures and infrastructure requirements are not adequately covered, in relation to highway and transportation matters, education, local flooding and in our lead role for public health.

1.5. Essex County Council's role in relation to district councils

ECC is responsible for delivering and maintaining much of the large scale infrastructure that local people and businesses require, including sustainable transport measures (cycle routes, footpaths etc) and roads and the full range of school provision from early years through to post 16 provision. Full details are set out in Section 5 (Contributions Required by Service Area) of the Guide.

The twelve local authorities provide other important services such as waste collection, recreation facilities and secure affordable housing. It is the Local Planning Authorities who determine planning applications for new housing and commercial buildings. The County Council is also aware of the role of the design of new developments and partnered the Essex Planning Officers Association in the publication of the Essex Design Guide, which is available on the ECC website.

ECC, in our capacity as a statutory consultee and infrastructure provider, works collaboratively with district/borough/city councils in their role as Local Planning Authority, identifying the infrastructure that is needed to support growth as set out in Local Plans. In this work, ECC may provide timely advice regarding the suitability of potential growth locations in terms of how well they are, and can in the future be, served by infrastructure. Both the County Council and local authorities are acutely aware that different spatial strategies have different infrastructure cost implications. Equally the different topography of land has implications for infrastructure, for example in relation to the most appropriate place to locate a new school.

ECC also takes the view that Local Plans should include developer contributions policies to ensure effective provision of appropriate infrastructure, and this will normally be through the LPA Infrastructure Delivery Plan (IDP). This is particularly

important in relation to the unplanned and windfall sites on which both the local council and the County Council will seek to ensure the right infrastructure provision can be secured to make this policy compliant.

ECC is consulted by the Local Planning Authorities on planning applications and, in turn, provides appropriate comments and advice regarding infrastructure needs. Such advice may include requests for developer contributions to fund the infrastructure ECC needs to serve the development in question. ECC has now established a core team to respond to planning applications on the larger sites and the phased development of the new settlements. On occasions ECC will object to proposed new development that cannot suitably mitigate its own impact on a range of infrastructure requirements including transportation, schools and other community infrastructure.

1.6. Viability

ECC expects viability in the decision-making process to be assessed in line with the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and the Essex Local Viability Protocol and expect any viability report submitted to be shared with ECC.

It is recognised that it is the responsibility of the local planning authority to assess the reasonableness of the level of contributions sought by any individual S106 obligation. The viability of sites, and S106 obligations, should be assessed and determined by the local planning authority during the Local Plan production stage. Only a local planning authority can consider the combined implications of all the obligations on an individual application. Essex County Council will not negotiate directly with applicants over a level of contribution requested, although working in partnership with Councils we would expect to be able to work collaboratively as the public sector partners engaging with a prospective developer.

The County Council will not agree to any reductions in obligations at the planning application stage, unless the applicant can demonstrate, in line with the NPPF, that particular circumstances justify the need for a new viability assessment to be completed. The local planning authority will consider such cases in the light of those NPPF / PPG provisions and against relevant extant Local Plan policies. In this respect, the NPPF makes clear that the weight to be given to such viability assessments is a matter for the local planning authority, as decision maker, to determine. Under no circumstances will the price paid for land be a relevant justification for a reduction in obligations.

On occasion, it may be necessary for a local planning authority to take a view on the viability of a development to meet the infrastructure requirements outlined by each infrastructure provider. In these instances, and specifically when a Council service need is asked to reduce an obligation, Essex County Council would expect a viability assessment to be prepared and shared in alignment with national policy and best practice guidance.

County Council officers will monitor any departure from the normal approach for S106, as outlined within this guide, and report to County Council senior officers and/or Members. Essex County Council will be transparent regarding any and all

S106 processes, decisions and procedures and our outrun record published in the annual Infrastructure Funding Statement.

1.7. Garden Communities

TCPA Principles, Placemaking and Placekeeping

There is perhaps no greater placemaking endeavour than the creation of a new community. With Garden Communities there is also, perhaps, no greater opportunity to create innovative, resilient, well-connected and inclusive places that align with our climate targets, and are net zero carbon, energy self-sufficient and will stand the test of time, including adapting to a changing climate. Planning at scale offers the chance to think holistically about how a place will work, and to understand what mechanisms need to be put in place to help turn an ambitious vision into a real place.

Garden Communities provide a real opportunity to deliver exemplar development throughout Essex in the longer term. These new communities need to have sustainability, including climate change mitigation and adaptation at the core of their development principles, particularly considering their size and scale, embracing new and forward-thinking approaches to the delivery of different interrelated land uses and associated infrastructure, services and facilities through an innovative and flexible approach to their design.

Whether part of an existing settlement, or a standalone new settlement, Garden Communities in Essex must be holistically planned to deliver meaningful enhancements to the natural environment, such as improved habitat connectivity and biodiversity net-gains, and offer a mix of types, tenures and affordability of high-quality, net zero carbon housing and locally accessible work and education opportunities, which meet the needs of all residents, in beautiful, healthy and sociable communities.

The Town and Country Planning Association (TCPA) Garden City Principles, are the absolute starting point for this, and should be embedded into all new Garden Communities. They provide an indivisible and interlocking framework for their delivery, and include:

- Land value capture for the benefit of the community;
- Strong vision, leadership and community engagement;
- Community ownership of land and long-term stewardship of assets;
- Mixed-tenure homes and housing types that are genuinely affordable;
- A wide range of local jobs in the Garden City within easy commuting distance of homes;
- Beautifully and imaginatively designed homes with gardens, combining the best of town and country to create healthy communities, and including opportunities to grow food;
- Development that enhances the natural environment, providing a comprehensive green infrastructure network and net biodiversity gains, and

- that uses zero-carbon and energy-positive technology to ensure climate resilience;
- Strong cultural, recreational and shopping facilities in walkable, vibrant, sociable neighbourhoods; and
- Integrated and accessible transport systems, with walking, cycling and public transport designed to be the most attractive forms of local transport.

Fundamental crosscutting qualities of these Principles are community development, good placemaking and placekeeping, which translate into well-planned and inclusive masterplanned sites, in line with local planning policies, and development and implementation of long-term and viable stewardship arrangements. Long term Stewardship must go far beyond purely maintenance of, for example, blue and green infrastructure, and must bring new communities to the centre of oversight and decision making on sustainable placekeeping.

Garden Communities in Essex

Since the last iteration of this guide in 2016, there has been the emergence of proposals for the creation of a number of garden towns and village settlements across the county which are at different stages of planning. As of January 2023, these include:

- sites forming Harlow-Gilston Garden Town with smaller garden communities coming forward to the south, east and west of Harlow on the Harlow/Epping boundary at Gilston on the Harlow/East Hertfordshire boundary;
- Dunton Hills Garden Village in Brentwood;
- Tendring Colchester Borders Garden Community
- North Chelmsford.

Delivery of Infrastructure, Services and Facilities

Critical to making these new communities work and function sustainably is the timely and efficient delivery of associated and necessary infrastructure, services and facilities to support the people living in these new communities. This includes the delivery of physical infrastructure (transport and highways, energy, water and drainage, waste and digital connectivity), social infrastructure (education, youth facilities, libraries, sport and leisure facilities, health and social care, emergency services, community facilities, cultural facilities and markets) and green and blue infrastructure (open space networks, waterways, allotments and formal and informal play areas etc.) in addition to and alongside affordable housing.

It is essential that the required amount and nature of infrastructure, services and facilities to enable growth through new Garden Communities has been appraised and agreed with the district/borough/city and county council. ECC will engage early and throughout the development planning process to ensure that the needs and requirements of operational and strategic services areas are delivered in line with corporate priorities, plans and programmes. Developers will be asked to provide demographic studies mapping the growth of the community and showing how its

age profile will evolve. This will allow Services to take a consistent and co-ordinated approach to infrastructure planning.

Growth and Development Team (Planning Services)

ECC has created a Growth and Development Team within the wider Planning Service, which has been operational since January 2019, to assist with the growth agenda in Essex. It comprises a team of experienced town planners and transport planners to help co-ordinate and oversee the delivery of significant strategic, large-scale and complex developments like the new Garden Communities. Its focus is to work collaboratively with partners in the public and private sector on proposals throughout Essex and neighbouring areas to support the delivery of sustainable, high quality, net zero carbon and well planned residential, employment and infrastructure proposals and schemes in line with policy, including our climate targets.

The team has involvement in a range of different projects and proposals at the earliest opportunity, reaching far beyond the Council's core function as statutory consultees on major applications and national infrastructure projects. As such, proposals may be supported from inception, masterplanning and through to the delivery stage by providing robust and co-ordinated responses to particular growth challenges and opportunities as they arise, keying into key service areas at ECC throughout this process, ensuring timely professional and technical input to all aspects of schemes.

A key objective is to provide local authority partners as well as developers with a co-ordinated corporate single response from ECC to development proposals before plans are submitted through the pre-application process; which allows front loading of the planning process to occur, giving applicants clear direction and understanding of their proposals, solving problems and seeking solutions, where possible. Or alternatively once plans have been submitted. This will ensure that much needed and necessary infrastructure, services and facilities are delivered by development to create sustainable, net zero carbon development and communities.

As with many local authorities, the aforementioned pre-application engagement would, in most circumstances, be accompanied by an approved Planning Performance Agreement (PPA). ECC has produced a model PPA to outline the offer and to assist partners in this process. Charges for this approach are also detailed herein to ensure that costs are clear and transparent to assist with early engagement, once a PPA is signed.

As part of this, the team will ensure timely and detailed engagement and consultation with various internal and external service areas and providers at the earliest opportunity, so that development proposals come forward with a greater degree of certainty as to the ECC position in terms of, but not limited to, planning policy, highways, economic development, waste, health, education, adult social care, and sustainable drainage/flooding to ensure policy compliant schemes are delivered.



2

The Legal Framework

2. The Legal Framework

2.1. Community Infrastructure Levy

The 2008 Planning Act paved the way for the introduction of a charge on new development that Local Planning Authorities could collect to fund infrastructure needed to provide for growth in their area. In April 2010, the government published regulations setting out how CIL could be set and collected.

In order to set a CIL, the Local Planning Authority are generally expected to have an up-to-date Local Plan setting out the development planned in their area and the cost of the infrastructure required to support it. They must also identify other potential sources of funding. To establish the case for setting a charge they must prove that there will be a gap between the cost of the infrastructure required by development and the available funding. In terms of setting the actual level of the charge, the Local Planning Authority must consider its impact on new housing and other development, and so the charge must be set at a level that will not impact development viability to the extent that the growth set out in its Local Plan is undeliverable.

CIL is collected by the Local Planning Authority (not ECC) from developers and land owners. The charge is calculated on the additional floor-space proposed by the planning application in question. Developments of less than 100 square metres are exempt, as are social housing, self builds and developments owned by charities.

However, the Local Planning Authority is not required to introduce a CIL and, if introduced, a zero rate may be approved in relation to particular types of development or parts of the district in question. Currently, Chelmsford City Council is the only second tier Essex district to have implemented CIL.

The spending of monies collected is a matter for the Local Planning Authority. They are required to pass a proportion of the money to the local communities where new development is located. This is usually channelled through the Parish Council in parished areas. Monies should also be passed to appropriate infrastructure providers, such as ECC, to fund the projects that were identified to justify the charge.

2.2. Section 106 Agreements

Section 106 of the Town and Country Planning Act 1990 (as amended) provides a mechanism whereby developers can address the impact of their development on the local community through the provision of, or contribution towards infrastructure. The Local Planning Authority can thereby take into account any such mitigation offered when deciding whether or not to approve a planning application. Mitigation can take the form of works, money, land or buildings that must be contributed to an appropriate body that will then maintain the asset in question or deliver the required service. This body may be a public, private or charitable organisation depending on circumstance and statutory powers related to the service in question.

Legal agreements are used to secure obligations to deliver the contributions that are agreed. For an obligation to be lawful it must meet the following legal tests as

set out in Regulation 122 of the Community Infrastructure Levy Regulations (as amended) 2010:

- it must be necessary to make the development acceptable in planning terms;
- it must be directly related to the proposed development and
- it must be fairly and reasonably related in scale and kind to the proposed development.

2.3. Relationship between Community Infrastructure Levy and Section 106.

CIL is intended to help provide major infrastructure to support the development of an area, rather than to make individual planning applications acceptable in planning terms. Section 106 agreements are used to mitigate site specific impacts. Developers and land owners may thereby be liable, in many circumstances, to pay the CIL and also enter into a Section 106 Agreement.

Local Planning Authorities (including County Councils) are required to set out in an Infrastructure Funding Statement, the types of infrastructure or individual projects they will use CIL income to fund as well as details of how S106 income is to be, and has been used. This is to be published by the 31st December each year on the local authority's website (commencing 2020) and replaces the Regulation 123 list.

2.4. Planning conditions and other legal agreements

There are differing views on whether planning conditions should be used to secure non-monetary contributions whereby the developer builds the infrastructure required, although Central Government would prefer Local Planning Authorities to use conditions where possible. A Planning Condition will usually require the detailed design of the infrastructure in question to be submitted and approved at a later date.

Planning conditions are used because entering into a legal agreement takes time and has an associated cost.

Planning conditions are more commonly used in relation to highway works. In order to undertake works in the highway, however, the Local Highways Authority (ECC) must give permission and this may require the developer to enter into a legal agreement e.g. Section 38 or 278 agreements.



3

Guidance applicable to all
Section 106 contributors

3. Guidance applicable to all Section 106 contributors

3.1. Identifying infrastructure requirements

Pre-application advice

Developers are strongly advised to contact the appropriate Local Planning Authority (LPA)(listed in 'Section 6 - Further Advice on key issues') to discuss their plans at the earliest opportunity. Most LPAs will require a formal pre-application enquiry to be submitted and there may be a fee. The LPA will advise whether they wish to conduct discussions with infrastructure providers, such as ECC, or whether they are happy for the developer to approach them directly. If ECC is approached for advice, a fee is payable and there are more details about this process on the ECC website.

ECC welcomes early involvement in discussions which may help resolve key issues before planning applications are submitted. Contact details are provided in 'Section 6.1 -Contact with Local Planning Authorities', and a pre-application developer enquiry form is available in ['Appendix B: Request for Planning Advice](#)

['Appendix B: Request for Planning Advice'](#) and on ECC's web site. Using the information provided, ECC will endeavour to identify the impact of the development on local infrastructure and services, suggest possible mitigation measures and estimate the cost of any developer contributions that it may seek once a planning application is submitted. It should be noted that officers will not attend public consultation events and will only attend officer workshops if they have an appropriate focus and a Planning Performance Agreement (PPA) or pre-application charges fund officer time.

Submitting a planning application

While it is ECC's role to assess the impact of a new development on the services it provides, it is the LPA's duty to decide whether or not the level of contribution requested is appropriate. As a result of this division of responsibilities, ECC will not negotiate directly over the level of contribution requested unless asked to do so as part of a tripartite discussion including relevant LPA officers and other infrastructure providers. Only the LPA can look at the cumulative cost of the developer contributions requested, and thereby assess how the viability of the development should be balanced against the need to fund infrastructure. In cases where the LPA deem that payment of all S106 contributions would not be viable, then the legal agreement should include a review mechanism to require additional payments in the event that viability improves. In the course of the tripartite discussions mentioned above, issues such as equalising contributions between multiple developers on sites may be addressed.

In general, a development should not externalise any of its costs, but it is accepted that on occasions there may be overwhelming public benefits that can only be realised by giving permission to a scheme which would not be viable if full planning obligations were met. In these circumstances a decision of 'not viable' should not stem from a developer paying too much for land and the LPA will usually expect an 'open book' independent financial assessment before exceptions to policy are

made. The EPOA Viability Protocol is available on the website and has been adopted by most Essex authorities.

In the event that planning applications are turned down by the LPA, representations pertaining to infrastructure need may be recorded as objections and thereby reasons for refusal. ECC will assist LPAs in defending such reasons for refusal at any subsequent appeal. However, Section 106 agreements may be entered into prior to the appeal to overcome the need for ECC to raise such objections with the appeal inspector.

3.2. Type and level of contributions and triggers for payment

Each development will be assessed on its own merits and, where ECC seeks developer contributions, it will provide evidence that the infrastructure is required (in whole or in part) to serve the proposed development. Any appropriate local surplus service capacity will be taken into account before making any request. The level of contribution will always be relative to the need generated by the development in question. It should be noted that levels of provision and contributions in respect of the Garden Communities will be bespoke.

Section 106 contributions will not be requested where the infrastructure is expected to be delivered through an adopted CIL, unless circumstances mean that local mitigation is required as part of the development. For example where a new school is required to support the development.

Broad levels of contribution for each type of infrastructure are set out in 'Section 5' of this guide. Most projects will, however, require bespoke costings to provide an accurate estimate. It is essential that applicants provide comprehensive information regarding the intended unit mix and land uses on the development to allow a realistic estimate of the infrastructure requirements. Formulae are, however, enshrined in most agreements to allow the precise contribution to reflect the final development and avoid the need for agreements to be varied each time plans change.

Some contributions are only likely to be required for major developments and there is a threshold, usually in terms of numbers of dwellings, which will trigger different services to consider the need for developer contributions. These are set out in 'Section 5' of this guide. In cases where adjoining or nearby plots (regardless of ownership) are likely to be developed separately, these thresholds may be deemed to have been reached on the basis of the sites' cumulative capacity. This approach ensures that developer contributions cannot be circumvented by sites being split up and likewise ensures there is no disincentive to developers working together to bring forward comprehensive regeneration schemes.

With the largest contributions, it is sometimes appropriate to phase payments. It should be noted, however, that ECC will not support contributions being paid in arrears i.e. after the buildings, to which the amounts pertain, have been occupied. If later payments are considered essential by the LPA to ensure development viability, ECC may request surety from the developer, through a bond provider, to protect payment in the event of insolvency.

The triggers for the payment of contributions will generally be on commencement and first occupation. However, on larger phased developments there may be more triggers tied into occupation points. It should be noted that if payments are made at later stages in the development, then contributions should not be made beyond the stage where ECC will need to commence work on a new provision. This could result in ECC having to forward fund a new provision which would result in interest payments being incurred which the developer would be required to fund. It is therefore important that triggers for payment are met during early stages in the development in order to avoid additional costs.

On large developments involving a range of different contributions, it may be possible to deliver mutual benefits by combining different types of contribution. For example, a community building may be proposed that provides both for a medical centre and library provision.

It is ECC's policy to ensure that contributions are spent within a period of 10 years following their receipt. This period is also referred to in the Department for Education (DfE) guidance 'Securing developer contributions for education' amended in November 2019².

3.3. Indexation

Once a contribution has been established it must be future proofed against cost inflation. This is done through indexation. The appropriate index for each type of contribution is given in 'Section 5' of this guide. In each case the indexation must run from the date the costing is based, up until the date of payment.

In general, indexation works by establishing a base date at which the index equals 100. If costs rise, then the index point also rises by an equivalent percentage i.e. if costs have increased by 5% since the base date the current index point will stand at 105. Updated indices are regularly published, and points are given for each past quarter and in some cases for future quarters, based on estimates of cost inflation. For ease and consistency, it is normally appropriate to base contributions on the cost at the start of the current financial year. The indexation that must be applied to the contribution will therefore start from the beginning of the appropriate financial year quoted.

To apply the index and work out the contribution that is payable, the sum quoted must be divided by the index point pertaining to the 'from' date and multiplied by the index point pertaining to the 'to' date. For example, if a contribution of £10,000 is to be indexed from a point when the index point was shown as 200, to the date of payment where the index point is 210, the amount payable would be £10,500 (£10,000 divided by 200 then multiplied by 210).

Most indices are available on a subscription basis. ECC cannot therefore provide the index to developers as that would be in breach of copyright. ECC will, however, perform the calculation and provide an explanation of the result if requested to do so.

²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/793661/Securing_developer_contributions_for_education.pdf

3.4. Legal agreements

The simplest type of agreement is known as a Unilateral Undertaking. These do not require the LPA or ECC to perform any duties or become a signatory. They are, however, usually more suited to smaller schemes or where there are no land transfer requirements.

In the case of complex developments, full tripartite agreements are necessary. This is because ECC and the LPA will need to enter into obligations with the developer such as:

- to use financial contributions for specific purposes;
- to place sums in interest bearing accounts and
- to return unused contributions after ten years.

Where the development is supported in the Local Plan, it may be appropriate to draft a legal agreement prior to planning permission being sought. Generally, however, they are completed once the LPA has considered the application and it is clear that there will not be any abortive effort due to a decision to refuse the application.

In most cases ECC provides a first draft of the clauses required to deliver the contributions they have requested. A template agreement is provided as 'Appendix A: Section 106 Agreement Template', with a separate schedule for each type of contribution. This template should be used as a starting point to avoid delays and unnecessary expense.

Once completed, the LPA will record the appropriate obligations as land charges. Both ECC and the LPA will then monitor compliance with the agreement.

3.5. Legal agreement fees

The planning applicant is responsible for the cost of producing any legal agreement, including the charge ECC makes for its involvement. City, District and Borough Councils may also add their own fees. Standard agreements, that closely follow the template given as 'Appendix A: Section 106 Agreement Template' should not be expensive or time consuming to produce, however, agreements involving land or works in kind are inevitably more complex and protracted negotiation will obviously lead to additional expense.

3.6. Monitoring costs

A recent change to the CIL Regulations, which includes legislative requirements to require local authorities to report on contributions received and spent annually, has resulted in the Government allowing local authorities to seek a monitoring fee through S106 planning obligations. Such fees should be 'proportionate and reasonable' and reflect the actual cost of monitoring. It is therefore proposed that the monitoring fee will be identified as such within each legal agreement (see 5.12-Monitoring Costs).



4

Land, Building and Contributions in kind

4. Land, Building and Contributions in kind

4.1. When land may be needed

There are a number of circumstances under which ECC may need land to be transferred to its ownership under a S106 agreement. These include:

- To provide new or expanded schools and Early Years and Childcare facilities
- For new or expanded (often shared) community buildings (e.g. youth, library or adult learning facilities, District and NHS services)
- Land to be dedicated as highway / other transport related facilities

In most cases land is needed to establish a new facility on the development itself but in some circumstances, it may be needed to expand an existing one. On such occasions it will be appropriate for the developer to provide land adjacent to the existing facility rather than make an additional financial contribution to enable the council to purchase land.

4.2. Site suitability

During pre-application discussions the applicant and ECC need to work closely with the Local Planning Authority to identify potential locations that both fit with the emerging development masterplan (if relevant) and provide the best location for the infrastructure under consideration. Any land that is intended for public use must be safe and fit for purpose and any costs related to remediation will be borne by the developer. Issues which will need to be examined include: ground conditions, sources of contamination, [noise levels](#) flood risks and the proximity of incompatible land uses. In the case of community use, the land will need to be central to the population it is intended to serve and well connected to walking and cycling routes and local bus services.

Once a potential location for a new facility has been identified, the quality of the land itself needs to be considered in detail. New school sites, in particular, have a number of requirements that should be considered at the earliest opportunity in the planning process. The need to meet DfE guidelines (e.g. Building Bulletin 103) to establish sports pitches and ensure pupil safety are all key. The Education Site Suitability Checklist provided as 'Appendix C: Education Site Suitability Checklist' sets out, in general terms, the issues and concerns that should be looked at [along with the Land Compliance Study](#). The list is not exhaustive and any other features of the site or surrounding area that may impact upon its use should be brought to ECC's attention at the outset. Many of these criteria apply equally to other community facilities. 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 and in a similar vein, Early Years and Childcare facilities are often preferably co-located with primary schools.

Ensuring that new facilities fit with, and are complemented by, the rest of the development must also be considered before a planning application is submitted. [As part of the design and layout of the development, consideration should also be given to the orientation and built form of the facility to optimise renewable energy](#)

[generation and deliver energy efficient, affordable to run, and climate resilient buildings e.g. by designing for passive solar gain whilst also mitigating overheating risks – such as through shading and cross ventilation. Reference should be made to the key principles on Solar Design included in the Essex Design Guide³. This approach will help deliver our climate target for all new schools commissioned to be net zero carbon by 2022.](#)

‘Appendix D: Exemplar Layouts for Education and Community Facilities’ provides exemplar layouts, highlighting the key issues of reducing school run traffic and providing safe drop off space. The objectives as displayed in the exemplar layouts are to:

- create a sense of place;
- avoid congestion by dispersing school drop off;
- provide a safe environment around school entrances [with no vehicle access](#); and
- encourage sustainable travel.

In general schools will not provide on-site space for parents to drop children off by car for the following reasons:

- the school site area guidelines reflect the space required for education use and it is not appropriate to set aside significant areas for other purposes;
- schools should not be expected to manage or maintain facilities which may give rise to an insurance liability in the event of accidents, and
- bespoke drop off facilities can attract additional school run traffic and concentrate vehicle movements in a particular location, leading to an unpleasant or unsafe environment.

The preferred approach is to [maximise the accommodate opportunities for safe drop off around the school perimeter, at a reasonable distance from the school](#), utilising the visitor parking spaces that the development is required to provide. The immediate area around school entrances ~~should, where possible, must~~ be traffic free to prevent ‘honey potting’ i.e. a point that attracts a disproportionate level of traffic that could cause inconvenience to other road users. Such pedestrianised areas also function as a space for parents and younger siblings to congregate safely at the beginning and end of the school day and thereby encourage a sense of community. Such spaces should be well connected to walking and cycling routes and local bus routes to make sustainable modes of travel attractive.

4.3. Land compliance requirement for new school sites

In finding a suitable location, checking the quality of land and designing the environment around it, a significant amount of information will need to be collected and analysed. This information must be formalised and submitted with the planning application in the form of a [single, self-contained Land Compliance Study report along with the Education Site Suitability Checklist](#). [It is essential that information is](#)

³ [20220474-essex-solar-design-guide-rev-b.pdf \(essexdesignguide.co.uk\)](#)

[contained within one easy to follow document, with drawings appended, avoiding links across multiple additional documents.](#)

Local Planning Authorities are asked to make this a policy requirement via their Local Validation List and ECC may object to the application if a sufficiently robust study is not submitted, proving the land is fit for purpose and meets the criteria set out in this document. By way of guidance, the following sections should be included in the Land Compliance Study report:

- Site boundary plan
- Development master-plan including partner organisation intentions
- Site Suitability Checklist (as per Appendix C in the case of education sites)
- Site history and previous uses
- Relevant planning policies including current land use designation
- Neighbouring land uses including ditches and power lines et al
- Ground conditions including local geology maps
- Topography including survey maps
- Contamination including radiation, soil and ground water
- Flood risk including Environment Agency flood zone designation
- Mobile phone/radio mast locations including operating characteristics
- Physical encumbrances
- Habitat, arboriculture and ecology study including site walkover report
- Archaeology
- Noise [Acoustic surveys and reports](#) (for education sites assessment against criteria in DfE Building Bulletin 93)
- Air quality including reference to local Air Quality Management Areas
- Access (pedestrian and vehicular) and public rights of way
- Utility and service connections/capacity including searches
- [Proposed pre-transfer works](#)
- [Sport Pitch feasibility study](#)

As part of its response to a planning application including land intended for transfer, ECC will validate the Land Compliance Study submitted by the developer and provide feedback to the Local Planning Authority. Such feedback will include any requirements that must be included in a Section 106 agreement to make the land acceptable. These will include a number of standard works that the developer will be expected to complete prior to the site being transferred to ECC. The most common requirements are decontamination, site levelling, access, utility connection rights and fencing. '[Appendix E: Land Pre-Transfer Appendix E: Land Pre-Transfer Works](#)' sets some of these out in more detail, in relation to education sites, although these requirements would also apply to land provided for other uses.

Developers and land owners must obtain collateral warranties for any studies or works undertaken, either as part of their Land Compliance Study or during site preparation. ECC will require such warranties to be transferred so that it can rely on the information or works in question. By doing so, validation of the Land Compliance Study can be speeded up and the number of precautionary S106 obligations can be reduced.

4.4. Legal agreements to transfer land

Legal agreements usually include a ten year option period during which ECC can require transfer of the land. The land will in most cases be provided at a cost of £1 as 'consideration' must be given to form a legal contract of sale. It is important that the agreement is sufficiently flexible on timescales to provide ECC adequate time to make a decision, and not be pressed into establishing a new facility prematurely. If ECC has not entered into contracts to provide the facility within five years of transfer, then the land will be handed back to the developer. Developers are, therefore, advised to consider how the Local Planning Authority might view potential alternative uses for the site in the event that it is not used by ECC.

In line with DfE guidance, additional land for expansion of new school sites should be safeguarded and alternative uses should be precluded thus enabling ECC to purchase such sites at [the intended education use value-an appropriate cost](#).

4.5. Works and buildings

In some cases, developers may agree to carry out works in lieu of financial contributions. Such works could include the construction of a building that is then transferred to ECC along with land. Such contributions are subject to strict rules, detailed specifications and appropriate surety being provided. It is important to note, however, that ECC has not agreed to any approach whereby developers / other parties undertake to build or otherwise provide schools.

Developers must also be aware of procurement and competition laws that require public works contracts to be openly tendered if they exceed a certain value. In circumstances where works in lieu are deemed acceptable, ECC will require an indemnity against any claim resulting from a breach in these regulations. However, the future of European law/regulations are 'in the balance' and may need to be clarified after the publication of this guide.



5

Contribution Requirements by service areas

5. Contributions Required by Service Area

5A. Contributions Reference Table

Table 2: Developer Contributions Reference Table for Section 5 of this guide.

Service Area	Trigger for contribution	Expected Contribution
5.1 <u>Early Years and Childcare</u>	20 dwellings +	Pupil product (0.045 per flat, 0.09 per house) x £ 21,559 <u>30,127</u> (cost per pupil). Land for a new facility.
5.2 Education -primary	20 dwellings +	Pupil product (0.15 per flat, 0.3 per house) x £ 21,559 <u>20,508</u> (cost per pupil) Land for a new school.
5.2 Education – secondary	20 dwellings +	Pupil product (0.1 per flat, 0.2 per house) x £ 26,105 <u>24,929</u> (cost per pupil). Land for a new school.
5.2.9 Education – special needs	2000 dwellings +	Bespoke
5.2.10 Education – Post 16	20 dwellings +	Pupil product (0.01 per one bed flat, 0.02 per 2+ bed flat, 0.04 per house) x £ 26,105 <u>23,962</u> (cost per pupil). Land for a new school.
5.3 School Transport	20 dwellings +	Primary - £11.40 x 190 days x 7 years = £15,162 per pupil. Secondary - £5.30 x 190 days x 5 years = £5,035 per pupil.
5.4 Employment and Skills	50 dwellings <u>and/or</u> <u>2500sqm employment floorspace</u>	Employment and Skills Plan

Service Area	Trigger for contribution	Expected Contribution
	200 dwellings and/or 2500 sqm employment floorspace	Residential – £2000 per 1000 sqm floorspace Commercial – dependent on net additional employment. Employment and Skills Plan
5.5 <u>Highways and transportation</u> Highways and transportation	All development	Highway works via S278 notices, contributions and/or commuted sums for maintenance.
5.6 <u>Sustainable Travel Planning</u> Sustainable Travel Planning	All development	Travel packs in all cases, travel plans for 80 + dwellings. Work travel plans on employment sites where there will be 50+ employees.
5.7 <u>Passenger Transport</u> Passenger Transport	All development	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.
5.8 <u>Public Rights of Way</u> Public Rights of Way	Any development where there is a PROW	Contribution to or appropriate works carried out and arranging temporary or permanent diversions. Cycle Track Conversion Orders to be provided as necessary.
5.9 <u>Waste Management</u> Waste Management	Garden communities	Bespoke on case by case basis.

Service Area	Trigger for contribution	Expected Contribution
05.10 <u>Libraries</u> Libraries	20 dwellings +	Where required (per dwelling): <ul style="list-style-type: none"> • £244.00 library extension • Major capital project at existing library: £244 per dwelling • Fit out (shelving, decoration): £100 • Provision of stock: £75 per dwelling
5.11 Flood and water management	Major sites	Ensure provision of SuDS on major sites. Commuted sums for maintenance of SuDS as required.
5.12 <u>Monitoring Costs</u> Monitoring Costs	All S106 agreements	£550 per obligation. Bespoke payments on complex and/or major sites 1000+ dwellings.

NB Costs referred to are as at April 2022, except Education which are as at Q1 2022 and may increase each year.

Whilst this table is designed to assist in assessments of which contributions will be expected for each application, it is essential to read the relevant section in order to establish the actual amount likely to be required by ECC.

5.1. Early Years and Childcare

Service overview

Under the Childcare Act 2006, Essex County Council (ECC) must ensure that there is sufficient high quality and accessible early years and childcare places within the local area. Section 6 of the Act defines 'sufficient childcare' as sufficient to meet the requirements of parents in the area who require childcare in order to enable them to take up, or remain in, work or undertake education or training which could reasonably be expected to assist them to obtain work. Unlike education, parents can choose to access childcare away from their home area, for example near to a place of work or training.

5.1.1.

Early Years and Childcare settings in Essex provide a service to approximately 84,500 children age 5 years and under (based on GP registration data) and approximately 46,000 families (based on child benefit data). Additionally, there are approximately 92,000 families with children between the ages of 5 and 10 years old.

The County Council has statutory duties that must be met regarding Free Early Education Entitlement (FEEE) and childcare:

- Free early education entitlement funding for 2 year olds:
- Parents who meet national criteria as set by central government (the 40% most disadvantaged 2 year olds) are entitled to 15 hours of free early education for 38 weeks of the year of free nursery education (or up to a maximum of 570 hours per financial year). The aim of this scheme is to narrow the gap for the most disadvantaged families.
- Free early education entitlement funding for 3 and 4 year olds:
- All children from the term after they are three until they start reception are entitled to 15 hours of free early education for 38⁴ weeks of the year (or up to a maximum of 570 hours over a financial year).
- 30 hours free childcare for 3 and 4 year olds:
- Working parents who meet a national criteria as set by central government are entitled to an additional 15 hours of free childcare in addition to the 15 hours of free early education entitlement funding (or up to an additional 570 hours over a financial year).
- All working families with children up to the age of 14 (18 for children with special education needs and disability) can expect the local authority to ensure there are sufficient childcare places available for their children to ensure they are able to continue to work.

Early Years and Childcare provision includes: full day care, pre-schools, child minders, school run early years provision (2 to 5 year olds), and 'wrap around care' (Breakfast, After school and Holiday clubs). This multiplicity of provision, working in

⁴ Or a maximum of 570 hours per year if the entitlement is stretched over a longer period

partnership with the private, voluntary and independent sectors, enables a wide range of childcare options to be made available.

Preschool settings offer early learning and childcare places for children between the ages of 2 and statutory school age. These settings are able to offer FEE to eligible 2 year olds as well as all 3 and 4 year olds. They are run by PVI providers in local communities and some children attending will be accessing their FEE place and others will be accessing additional services for which parents pay. These settings will often be set up in community buildings or schools and will usually be open term time only.

Day nurseries offer early learning and childcare places for children from 0 to 5 years old. These settings are used by working parents for childcare purposes but they can also offer FEEE for eligible children and the extended 30 hour offer, as well as offering additional services for which parents pay. Although the majority of these settings are private businesses, their income levels are limited by the rate the FEEE funding is paid at. The cost pressures on the early years and childcare sector are well documented at a national level due to the FEEE funding level set by central government which impacts on the sustainability of the entire sector, including the private day nursery business. Therefore private day nurseries should not be classified as a private business in the usual commercial sense.

All registered childcare providers who care for children from birth to five year olds must comply with the Early Years Foundation Stage and are registered with Ofsted.

As well as early years (FEEE) provision, ECC has a statutory duty to ensure there is high quality and accessible sufficient childcare for parents and carers. This duty covers 0 to 14 year olds (19 years for children with SEND). Childcare can take place in preschools; day nurseries; childminders; and out of school provision, such as holiday clubs and after school clubs, depending on the age of the child. It can therefore take place in school or community buildings. Where a new development has generated the need for increased numbers of childcare places, new schools could be designed to be able to offer early learning and childcare places to all children (aged from birth to 5 upwards).

5.1.2.

How the need for additional provision is assessed

The County Council publishes Childcare Sufficiency Assessments, Area Action Plans and the Early Years and Childcare 5 year plan, which details where places are required across the county. These assessments give a snapshot of different providers in an area and the number of places that are filled. It should be noted that unfilled places at one type of provider cannot be taken as evidence that provision in an area is sufficient. The work patterns and incomes of parents are all different and so are their childcare needs.

All residential developments of 20 or more dwellings will be assessed to see if a developer contribution towards additional Early Years and Childcare is necessary. Applications for smaller developments will be exempt unless their co-location with other sites necessitates a holistic look at their cumulative impact.

The Early Years and Childcare Service will only require developer contributions where there is a current or forecast lack of provision in the immediate area of the proposed development

Calculating the demand from new housing development

5.1.3.

When estimating the number of children that a new housing development will generate and that will require additional provision (child yield), the Early Years and Childcare Service takes account of the number of houses and flats that are suitable to accommodate children. For Early Years and Childcare contribution purposes, houses are all dwellings with two or more floors (including chalet style bungalows with an attic room), and with sole access to private outdoor space. Maisonettes, single storey bungalows and trailers/caravans are treated as flats whilst one bedroom units and dwellings such as student and elderly accommodation, are excluded from the calculation. It should be noted that 100% affordable housing sites will be expected to contribute using the same criteria.

ECC estimates that the child yield from qualifying houses is nine children per one hundred homes (0.09 per dwelling) with half this number expected from qualifying flats i.e. 0.045 per dwelling.

Table 3: Example of a development consisting of 120 x one bed units; 200 x flats (with two or more bedrooms) and 65 houses with 2 or more bedrooms would be calculated to generate the following number of children requiring a place:

Dwelling Type	Units	Factor	Child Yield
One bed	120	0	0
Flats	200	0.045	9
Houses	65	0.09	5.85
Total	385		14.85

5.1.4.

Types and use of contributions

The financial contributions sought will be used to extend existing facilities wherever possible or provide a new facility. Larger development proposals (upwards of 250 dwellings) are most likely to trigger the need for a new facility and in such circumstances a land contribution will also be required. Where demand is of such a scale, a new facility will be sought, either co-located with a new primary school or as a stand-alone facility. For a standard 56 place day nursery, around 0.13 ha of land is needed. The process for agreeing a suitable piece of land is explained in ‘Section 4’ of this guide.

Department for Education (DfE) Guidance ‘Securing Developer Contributions for Education’ (April 2019) states that all new primary schools should be co-located with new early years provision where there is capacity to do so. In addition, the Education and Skills Funding Agency currently looks to establish two form entry

primary schools (420 places), to ensure financial viability. ECC supports this approach and, thereby, when considering new primary school sites an area of 2.2344 hectares will usually be sought as a minimum. This is in line with DfE guidance set out in Building Bulletin 103 and this land size provides space for commensurate Early Years and Childcare provision.

Any new early years and childcare facility could be built by ECC, a developer or one or more early years and childcare providers. However, it is important that any provider is agreed by ECC to ensure the required type and standard of provision is delivered in the locality. ECC has a robust process in place to allow early years and childcare providers to apply for capital funding and/or lease opportunities to create new early years and childcare places to meet the increased demand generated by developments. Capital funding and lease opportunities are advertised on the ECC Early Years and Childcare Website. This clearly sets out the S106 agreement criteria and all applications undergo a full screening and moderation process and final decisions to award funding or leases are signed off via the ECC Cabinet member for Education.

Where the development in question also triggers the need for other community facilities it is often appropriate to co-locate Early Years and Childcare facilities. Provision is commonly included in plans for new primary schools (as referred to above), but it may also be appropriate to consider the benefits of an Early Years and Childcare provider acting as anchor tenant in a joint use community facility.

<u>Class bases</u>	<u>Pupils/Places</u>	<u>Site Area (hectares)</u>
<u>14 (2FE)</u>	<u>420</u>	<u>2.104</u>

Table 1: Early Years Facility Land Requirement

<u>56 place setting</u>	<u>56 place setting and 2 FE Primary school</u>
<u>0.13ha</u>	<u>2.234ha</u>

In some circumstances, subject to procurement and competition rules, it may be appropriate for the developer to provide buildings in lieu of a financial contribution. Where this approach is accepted the facility must comply with a specification provided by ECC (example provided as ‘Appendix F: Early Years & Childcare Facility Specification’) and any tenant, and their business model, must also be approved. When the County Council commissions additional Early Years and Childcare places and uses S106 funding to provide those places, it will require the

provider to enter into a legal agreement detailing the building works and the number of additional places to be provided.

Contribution costs

The cost of each project and, thereby, any appropriate developer contribution must be considered on a case by case basis. By way of guidance, the provision of new, standalone facilities will cost around £~~21,55930,127~~ (Q1 2022 September 2020) per child place and expansion projects will cost £18,007.

5.1.5.

5.2. Schools

Service overview

The County Council is the Local Authority which has the statutory responsibility for education. It has a duty to ensure that there are sufficient school places to meet the needs of the population now and in the future.

- 5.2.1. ECC acts as a commissioner of school places, ensuring there are a sufficient number of places through the expansion of existing or provision of new schools. It has the duty to set out the requirements for any new school needed to serve a new or growing community in order that potential providers may express their interest in running that school. Where a Section 106 agreement provides the land and funding for a new school, ECC will usually procure the school building and then arrange any necessary leasehold transfer to the provider.

The availability of places at a popular and successful local school is likely to be an important factor for families considering the purchase of a new home. Conversely, new residential development is unlikely to be welcomed by the existing community if additional pupils moving to the area deny their children a place at the local school or lead to larger class-sizes. Developer contributions towards education provision thus play an important role in the success of new residential developments.

Under Section 14 of the 1996 Education Act, local authorities must secure sufficient school places to serve their area. The available schools must be sufficient in number, character and equipment to provide all pupils with the opportunity of an appropriate education. Section 2 of the 2006 Education and Inspections Act further places ECC, as the appropriate local authority, under a duty to secure diversity in the provision of schools and increase opportunities for parental choice. Subsequent legislation ([2011 Education Act part 5.37](#)) encouraged the development of a more diverse range of education providers, particularly academy trusts and free schools, a number of which now operate within the county.

Section 2 of the 2008 Education and Skills Act requires that all persons under the age of eighteen yet to obtain a 'level three' qualification (for example two 'A' levels), must participate in education or training. Participation does not require all young people to stay on at school, as employment-based training can fulfil this requirement (see '5.4-Employment and Skills Plan').

Paragraph 94 of the NPPF states that 'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- Give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- Work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'

The Department for Education published guidance for ‘Securing developer contributions for education’ in April 2019, and this was updated in November 2019, in which it underlines the principles that:

- housing development should mitigate its impact on community infrastructure, including schools;
- developer contributions towards new school places should provide both funding for construction and land where applicable subject to viability assessment when strategic plans are prepared and using up-to-date cost information; and
- the early delivery of new schools within strategic developments should be supported where it would not undermine the viability of the school, or of existing schools in the area.

How the need for additional school places is assessed

5.2.2.

Any development of 20 or more dwellings will be assessed and could generate a request for a contribution.

Contributions towards the provision of additional places will not be sought where pupil forecasts suggest that existing local schools can reasonably accommodate the expected increases in demand for places without expansion. However, local authorities with allocated sites for additional housing in the Local Plan or an emerging Local Plan may take the view that where an increase in pupil numbers is anticipated then the cost of expansion should be borne by the developers of all the allocated sites on a pro rata basis.

The Essex School Organisation Service’s 10 Year Plan, ‘Meeting the demand for school places in Essex’, is published on the Council’s website on an annual basis and sets out the forecast availability of school places in each area of the county, during each year’s admissions round for Reception and Year 7 (the start of secondary school) places. These forecasts are based on G.P. registration data, planned housing development, historical trends and other factors likely to affect admissions to particular schools.

The need for additional school places to serve new development may either be immediate or gradual. It is considered reasonable to take account of the future demand for places as well as the current picture since:

- there will be a time lag between the planning application and completion of the development;
- the peak of additional demand for places generally comes a few years after a development is first occupied and
- the development will be a permanent feature of the local community and it should not cater just for its immediate impact.

Forecast demand is generally measured against the yearly ‘Admission Number’ that each school must publish as part of the annual admissions process. However, any school accommodation that is temporary in nature, as defined by either its planning permission or design life, may be deemed to reduce the number of available places. The presence of temporary accommodation should be taken as evidence that a

school is already under pressure for places. Although some 'temporary' class-bases can remain on school sites for a considerable period of time, they will eventually be removed if not needed by the existing community. It would be unreasonable for pupils from a new development to generate the need for temporary class-bases to be converted to permanent build without the developer making an appropriate contribution.

It is generally accepted that education provision in an area should not operate at 100% of its capacity, as it is important to retain some level of surplus places. The National Audit Office report 'Capital Funding for New School Places' (2013) refers to a minimum 5% surplus that the Department for Education assumes in its planning as necessary to support operational flexibility (mid-year admissions) and facilitate parental choice. A deficiency may thus be deemed to exist without the certainty of every local place being filled.

In deciding which local provision it is reasonable to include in an assessment, the needs of the new development must be balanced against those of the existing community. If the new development displaces pupils from another area there may be significant local opposition to the scheme. It is, therefore, important to look not just at the nearest school but also at the wider area. There may, for example, be places at a school within reasonable distance of the new development to which pupils could safely walk. A reasonable walking distance is defined in the Essex Design Guide as 600 metres for primary and 1500 metres for secondary school pupils. Conversely there may be surplus places [forecast](#) at the nearest school that will be needed by the current population because another local school [will be forecast](#) to be oversubscribed.

Traditionally schools have admitted pupils from their priority admissions or 'catchment' areas. Current school admissions are, however, also based on a number of other criteria including the presence of siblings at the school, faith or aptitude in a particular curriculum area. Schools with admissions policies that could exclude the majority of pupils moving to a new development from gaining admission are excluded from the assessment of developer contributions. A list of admissions criteria for schools can be found in the Schools Admission Policies Directories which are available on the ECC website.

Having taken all the above factors into account, where it can be demonstrated that the number of pupils generated by a development is greater than the surplus capacity in permanent accommodation in a suitable school(s), ECC may require a developer contribution to build additional permanent capacity. This may on occasions include the transfer of land. For this purpose, a suitable school is any academy, free school or maintained school that provides education appropriate to the age, ability and aptitude of a child between the ages of 4-19. This definition excludes schools providing education exclusively for pupils with special educational needs or disabilities. Whilst selective schools and faith schools can and do provide education that is appropriate, they are excluded from the assessment of developer contributions on the basis that their admissions policies could exclude the majority of pupils moving onto a new development.

In addition to contributions to build additional permanent places, a contribution may also be sought to fund transitional costs. This may apply when there is no surplus capacity at schools within a reasonable travelling distance and additional provision

cannot be delivered quickly to serve the development. In such cases ECC will need to provide temporary accommodation at existing schools and/or provide school transport to schools in excess of two miles for children under the age of eight and three miles for older children. These distances are measured via the shortest available safe walking route.

ECC may seek developer contributions to fund these costs in addition to the sums required to provide the permanent places needed. This situation will only usually arise during the first phases of a major development or when [the phasing of development viability](#) does not allow [a new school permanent facilities](#) to be delivered early on.

Calculating the demand from new housing development

5.2.3.

When estimating the number of children that a new housing development will generate, and that will require a school place (yield), ECC takes account of the number of houses and flats that are suitable to accommodate children. One bedroom units and dwellings, such as student and elderly accommodation, are excluded from the calculation. For education contribution purposes, houses are all dwellings with two or more floors, (including chalet style bungalows with an attic room) and with sole access to private outdoor space. Maisonettes, single storey bungalows and trailers/caravans will be treated as flats. It should be noted that 100% affordable housing sites will be expected to contribute using the same criteria.

The primary school yield from qualifying houses is thirty pupils per one hundred homes (0.3 per dwelling) with half this number, fifteen, expected from qualifying flats (0.15 per dwelling). For secondary schools the yield (excluding 6th form students) is 20 pupils per 100 qualifying houses (0.2 per dwelling) and 10 pupils per 100 qualifying flats (0.1 per dwelling).

Table 4: Example of a development consisting of 120 x one bed units; 200 x flats (with two or more bedrooms) and 65 houses would generate the following number of children requiring a place:

Dwelling Type	Units	Primary		Secondary	
		Factor	Yield	Factor	Yield
One bed	120	0	0	0	0
Flats	200	0.15	30	0.1	20
Houses	65	0.3	19.5	0.2	13
Total	385	Pupils	49.5	Pupils	33

Due to the younger than average age profile, most new developments will, for a time, generate greater demand for school places than suggested by the above factors. [On large developments additional contributions to temporarily accommodate these ‘bulges’ may be necessary.](#)

Expanding existing provision

If it is not planned to build a new school, financial contributions will be used to fund capital works to add additional capacity at ~~academies, free schools or maintained~~ schools in the appropriate area.

5.2.4.

It is often not practical or desirable to use S106 contributions to provide additional capacity at the nearest school because, for example, their site may be constrained, the expansion could result in an unacceptable admission number or the school may not have the necessary infrastructure, in respect of ancillary accommodation, to support the increased capacity. In addition, due to legislation that enables voluntary aided schools, free schools and academies to refuse proposed expansions, ECC may be forced to look further afield. In these circumstances the contributions could be used to provide additional capacity through extension, refurbishment or re-modelling of other schools where the needs could be best met. This may result, through parental choice, in changes to local admission patterns or require priority admission area changes to be negotiated with local schools.

When ECC commissions additional places through a free school or academy, and uses S106 funding to provide those places, it will require the provider to enter into a legal agreement detailing the building works and the number of additional places to be provided.

5.2.5.

Thresholds for new schools

The Education and Skills Funding Agency currently looks to establish two form entry primary schools (420 places), to ensure financial viability. ECC supports this approach and, thereby, when considering new primary school sites an area of [2.4234](#) hectares will usually be sought as a minimum. This is in line with Department for Education guidance set out in Building Bulletin 103 and also provides space for commensurate Early Years and Childcare provision.

420 primary aged pupils is the number likely to be generated by approximately 1,400 new houses or a mixed development of approaching 2,000 dwellings. However, it must be recognised that if suitable existing local schools cannot be expanded, a new school may become necessary to cater for a lower number of new homes.

Generally, secondary schools accommodate at least 600 pupils or four forms of entry (one form of entry = five age groups x thirty per class). However, larger schools are:

- able to offer a wider curriculum to their community;
- cheaper to build on a per place basis;
- more resilient to fluctuations in demand that could challenge financial viability.

For these reasons ECC will look to establish a new school only where demand for six forms of entry has been established (from approximately 4,500 new or existing houses).

In the case of both age groups, there is no exact growth threshold for establishing a new school and the following factors need to be considered when deciding whether a particular development should include land for a school:

- the ability of local schools to expand sufficiently and the impact of a new school on them;
- cumulative impacts with other residential development proposals and the needs of the existing community;
- the viability of the development and the cost of a new school against other solutions;
- the viability of a new school (particularly in the first years);
- the potential for innovative solutions such as an all-through school (combined primary and secondary) or a split site school (with more than one campus).

ECC may request on occasions that additional land is set aside to future proof the new school site and allow for its potential expansion.

The cost of additional school places

5.2.6.

The costs for extending an existing primary school and a secondary school are based on the DfE National Scorecard ([national evidence](#)). The cost for a primary school place (as at Q1 2022~~0~~) is £~~18,007~~~~47,268~~, and for a secondary school place it is £~~25,003~~~~23,775~~. These costs are likely to increase year on year. These costs include buildings, site works, professional fees plus furniture and equipment.

With an extension scheme it is often unnecessary to expand all the common areas used by a school such as the staff room, toilets or the hall. The cost of major works and new schools is thus higher and the National Scorecard figures for primary and secondary (at Q1 2022~~0~~) are £~~21,559~~~~20,508~~ and £~~26,105~~~~24,929~~ respectively.

5.2.7.

The precise cost of projects will be determined by ECC after reviewing the Land Compliance Study report (see '4.3-Land compliance requirement for new school sites') that the developer must submit with any planning application that includes [school land for a new school](#).

School site areas

The area of land that ECC requires for schools is based on current Department for Education Building Bulletins, the latest being BB103; [the information set out below is correct at the time of publication but may be amended based on updated guidance from DfE as necessary, and other relevant publications](#). In line with its aspiration to increase educational achievement and enhance skills, ECC will always seek site areas towards the top end of the recommended range. Government also encourages 'extended schools' that include other community services and, clearly, larger sites are required if joint use of school facilities is to be considered. In order to produce a school with manageable year groups, ECC may require slightly more land than is indicated by a straightforward calculation of pupils from a development. The following figures are a guide to likely requirements in terms of land:

Table 5: Primary school land requirement (ages 4-11)

Class bases	Pupils/Places	Site Area (hectares)
14 (2FE)	420	2.104

Table 6: Secondary school land requirement (ages 11 -18)

Class bases	11-16 Pupils/Places	Site Area (hectares)
6FE	1125	8.597
8FE	1500	11.078
10FE	1875	13.559

[Land for 6th form provision is required alongside all secondary school sites and the figures above include land for 6th form provision. However, construction of 6th form provision will follow occupation of the secondary school, and therefore siting of vehicle entrance requires careful consideration. Discussion with ECC is recommended.](#)

One extremely important consideration when considering the land required for a new school is the provision of sports pitches. For a playable surface, a consistent gradient of approximately 1 in 70 widthways should be achieved. This encourages suitable water run off without hindering play.

[The developer will be required to complete a sport pitch feasibility to ensure the land proposed is fit for education and out of hours community use.](#)

The following pitch sizes need to be considered:

Table 7: Pitch sizes (including run off areas)

Age	Width (metres)	Length (metres)	Area (hectares)
Minimum Primary	49	82	0.402
Preferred Primary	59	92	0.543
Age 13 to 15 min.	54	87	0.470
Age 15 to 17 min.	59	103	0.608

Senior (18) min.	72	114	0.821
Adult min.	76	118	0.897

Where ideal site areas cannot be achieved, artificial pitches may be considered as a way of reducing the land that a school requires. The cost of providing and maintaining artificial pitches is, however, significant and likely to add considerably to the financial contribution sought by ECC from the developer.

Additional site requirements to consider

5.2.8.

The main-general requirements that apply to school site education land must meet are set out in appendix C and the process and evidence needed to agree a school site are explained in 'Section 4 (Land, Building and Contributions in kind) of this guide. There are, however, a number of considerations specific to schools which warrant additional guidance here.

Utility requirements.

Table 8: Utility requirements

Pupil Places	210	315	420	630
Electrical (three phases)	100KVA 200amps	130KVA 200amps	150KVA 200apms	200KVA 300amps
Gas (21mbar at meter)	230KW/HR	300KW/HR	400KW/HR	550KW/HR
Water (domestic)	50mm 1.5L/S	65mm 2.0L/S	65mm 3.0L/S	65mm 4.2L/S
Water (sprinkler system)	A 100mm mains connection pressurised system is required, storage tank with pumps to fill the tank in 36 hours.			
Telecom ducts (90mm)	2	2	2	3

N.B. It is recommended that pre application Aa advice should be sought from ECC's Infrastructure Delivery team and the appropriate project manager before relying on these estimates and to discuss any non-traditional energy supply options.

Fence Requirements

Prior to transfer to ECC, all school sites must be fenced by a 2.4 metre high welded mesh polyester powder coated fence (conforming to BS1722-16:2009) with vertical wire diameter of at least 5mm and horizontal wire diameter of at least 5mm conforming to BS 1722 Part 14:2017 'specification for open mesh steel panel fences

Category 1 (general purpose fences up to 2.4m high)', and gated at both highway access points.

Where congruent to vegetation or soft landscaping the fence must be supplemented by rabbit-proof fencing that shall be a minimum of 0.9m in height. The rabbit-proof fencing must be constructed with wire netting, to be 18-gauge (1.2mm diameter) with 31mm hexagonal mesh conforming to the appropriate British Standard and European DIN Standard. The base of the fence must be turned outwards from the school site by a minimum of 150mm and buried with clean topsoil. The specification for the rabbit fencing, including all posts, struts and stakes must also be in accordance with CIRIA report C645 'A Guide to Rabbit Management'.

Where appropriate, fencing should be complemented by landscaping. New tree and shrub planting should also be protected with individual rabbit guards. Species should be considered carefully to ensure that plants will not prove a burden to the school either in terms of maintenance, safety and/ or security.

Soil Quality Requirement

The levels of any compound in the soil, to a depth of at least three metres below the final soil level, shall not exceed figures set for residential end use as defined by the Soil Guideline Values (SGV) derived using the Contaminated Land Exposure Assessment (CLEA) model and published by the Environment Agency and also the Generic Assessment Criteria values published by Land Quality Management and the Chartered Institute of Environmental Health at the time of the assessment. Any contaminants leaching from the site must not exceed the levels published in the United Kingdom Environmental Quality Standards (statutory and proposed).

Top soil is to be supplied across the entire site which must comply to BS 3882:2015 and be applied evenly to a minimum of 300mm but is not to exceed 500mm in depth at any point.

The environment around schools

Establishing a safe environment around schools, which is conducive to learning is paramount. Substantial traffic free public realm around school entrances used by pupils must be incorporated into development plans. Such areas do not form part of the school itself and, for the avoidance of doubt, public realm abutting roads and/or parking are not considered traffic free. Other important issues / measures that must be considered include healthy school streets.~~The following issues / measures should be considered:~~

- establishing and improving walking and cycling routes to schools (including off site provision);
- reducing school run traffic and dispersing it away from school entrances;
- enforcing low traffic speeds around schools and the walking routes pupils use;
- 'school street zones' where motor traffic is controlled restricted in the area at the start and the end of the school day;

- ensuring pavements around schools are clear and wide enough for parents with pushchairs to pass (three meter minimum width);
- ~~substantial pedestrianised zones around school entrances used by pupils;~~
- providing public art, [outdoor gym equipment](#), nature areas and local history information boards, in the immediate area, to offer learning opportunities;
- the planting of trees and / or hedges to enhance air quality / reduce exposure to poor air quality; and
- the use of landscaping and carefully selected street materials to reduce noise.

Special Education Needs

5.2.9.

Some of the children generated by the development of new dwellings will have special educational needs (SEN). It is extremely difficult to predict the number of SEN places required in any given planning area for each type of need. However, the number of children likely to present with SEN can be roughly calculated as follows:

The following statistics applied at the 2020 SEN2 return to the DfE :

- 15% of the Essex school population has some sort of SEN.
- 3.4% of the child population currently has an Education, Health and Care Plan (this is now closer to 3.9%), and of this, 2.1% has a plan and are educated in mainstream schools, including specialist SEN units in mainstream schools, and 1.3% are educated in a special school.

~~This is the current position and t~~These percentages are subject to fluctuation, although the trend has been upwards in recent years. Applying these figures would result in 7 SEN places per 1000 dwellings.

The cost of providing an SEN place is ~~much higher~~[generally greater](#) than that of a primary or secondary place ~~depending on the type of need to be met~~. The capital cost per child of a special needs school varies with the type of need to be addressed. However, the DfE guidance 'Securing developer contributions for education' (November 2019) recommends that developer contributions for special or alternative school places are set at four times the cost of mainstream places which is consistent with the space standards in Building Bulletin 104.

Only the largest housing developments will generate the number of children with serious special educational needs which justify the requirement for a new school. It is more likely that the Council would seek to create a small unit of Specially Resourced provision in a mainstream school or to expand an existing unit of Specially Resourced Provision in a mainstream school.

It is therefore ~~be~~ necessary to request a contribution commensurate with the need arising from any significant development which in the case of SEN requirements would constitute a development of more than ~~10002000~~ dwellings. A development of this size could result in SEN requirements for ~~714~~ pupils which would be significant enough to warrant new provision within a mainstream school or the expansion of an SEN school within the locality.

All new school sites within new developments will be considered for the provision of special needs facilities and appropriate bespoke contributions will be requested if a need is identified.

Post 16 Education.

Service overview

5.2.10.

Access to education for the post 16 year olds plays a key role in skills development and assists both residents and businesses progression into, and through, sustainable employment, including apprenticeships.

The DfE's 'Participation of young people in education, employment or training statutory guidance for local authorities' (September 2016) ⁵requires all young people in England to continue in education or training beyond the age of 16. This is a duty under the Education Act.

Young people have a choice at key stage 4 (year 11) as to how they continue in education or training post-16, which could be through:

- full-time study in a school, college or with a training provider
- full-time work or volunteering (20 hours or more) combined with regulated part-time education or training (about one day per week).
- an apprenticeship⁶ or traineeship (See '5.4-Employment and Skills Plan' for guidance on obligations and contributions for apprenticeships).

ECC has a duty to secure sufficient and suitable education and training provision for all young people in their area who are over compulsory school age but under 19, or aged 19 to 25 and for whom an Education, Health and Care Plan (EHCP) is maintained. To fulfil this, ECC needs to have a strategic overview of the provision available across the county in order to identify and resolve gaps and ensure appropriate choice in provision. This requires ECC to ensure training provision is holistic and reflective of local industry skills requirements.

ECC determines 'sufficient' as having enough post 16 provision to meet need and choice. ECC determines 'suitable' as offering a range of academic, technical and vocational provision against demand.

Revenue funding for all post 16 education is provided via the Education Skills Funding Agency (ESFA) and covers academic and vocational learning.

Due to a growing number of 16-19 year olds (up to 25 with an EHC plan) from local housing developments, where necessary, capital contributions will be sought to support additional full-time Post 16 education as referred to above. Apprenticeships and other skills related requirements are outlined in '5.4-Employment and Skills Plan'

The Local Growth Fund (LGF) is government funding awarded to Local Enterprise Partnerships (LEPs) for projects that benefit the local area and economy. This

⁵https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/561546/Participation-of-young-people-in-education-employment-or-training.pdf

⁶ <https://www.gov.uk/topic/further-education-skills/apprenticeships>

funding is not ringfenced to support post 16 provision, however some funding may be sourced through an application to the LGF. Investment is limited on a case-by-case basis and not guaranteed. Developers’ contributions would make up any unmet funding from other sources.

Calculating the demand for Post 16 education

The funding formula is calculated on the basis that there are 0.04 qualifying post 16 students per house and half this number from qualifying flats. One bed units are included as research has revealed that in the 2011 census there were 1% of young people aged 16-18 living in one bedroom properties across Essex. However other types of accommodation such as aged restricted units are discounted as they are unlikely to generate a need for additional places. The key difference between post 16 provision and primary / secondary education is the element of choice and the landscape of different training routes. Therefore, the need in any area will be assessed on a case-by-case basis, so that contributions are only required where necessary.

Table 9: Per 100 qualifying homes examples

Dwelling Type	Units	Post 16 – total Factor	Post 16 - total Yield
One bed	100	0.01	1
Flats	100	0.02	2
Houses	100	0.04	4

The Cost of Additional Places

Subject to indexation the cost per place for full-time post 16 places is ~~£26,105,23,962~~ based on the DfE National Scorecard.

The precise cost of projects will be determined by ECC after reviewing the Land Compliance Study report (see ‘Section 4’) that the developer must submit with any planning application that includes land for a new educational provision.

5.3. School transport and sustainable travel

How the need to provide school transport is assessed

The Education Act 1996, as amended by Part 6 of the Education and Inspections Act 2006, places a duty on Local Authorities to make suitable travel arrangements free of charge for eligible children as they consider necessary to facilitate their attendance at school. Walking distance is defined by S 444(5) of the Education Act 2006 at two miles for those aged under 8 and three miles for those who have attained the age of eight years.

5.3.1.

These distances are measured by the shortest available walking route. An 'available route' is one which a child, accompanied as necessary, may walk with reasonable safety to school. In excess of these distances ECC has to fund 'free' school transport. Where development is proposed in locations that may require ECC to provide school transport, developer contributions are sought to fund provision for a minimum of seven years for primary and five years for secondary pupils

The cost of school transport

On average the cost of transporting a primary school child to school is ~~around £16.63~~~~£11.40~~ per day (return). The corresponding cost for secondary school transport is ~~£5.24~~~~£5.30~~ (April 20~~21~~~~19~~ costs). This is due to economies of scale. The calculation of school transport contributions is based on 190 days per year over 7 years for primary school children, and 190 days per year over 5 years for secondary school children.

5.3.2.

Promoting sustainable modes of travel

ECC has statutory duties to promote the use of sustainable methods of transport for all education and training related journeys, from pre-school age to post 16 students. Under the Education and Inspections Act 2006 authorities are encouraged to develop Travel Plans with schools.

ECC will use its highways, transport and schools expertise to examine the provision of safe walking and cycling routes from new housing to education and other community facilities. Safe direct routes that encourage parents to leave the car at home will be required on all new developments. Financial contributions may also be required for off-site works. Such contributions may also be appropriate from smaller developments.

~~Where appropriate, h~~Highway contributions (as set out in '5.5.3-Highways work versus contributions') to establish a safe walking route will be considered before seeking a school transport contribution.

5.4. Employment and Skills Plans

Service overview

5.4.1.

~~Residential sites with 50 dwellings or more, or employment sites providing 2,500sqm (GIA) or more of floorspace will be required to provide an Employment and Skills Plan (ESP). Both Central and Local Government have a crucial role to play in identifying opportunities to maximise employment, apprenticeships, and to invest in skills to realise personal and economic aspirations. Importantly, ECC has a role to play in supporting Local Planning Authorities and helping to ensure that industry has the necessary skills to build the net zero carbon homes and communities the county needs. Therefore, ECC requires the delivery of Employment and Skills Plans (ESP) which will be produced with developers and landowners to reflect the profile of individual construction projects. Therefore, developers and landowners are required to produce an ESP to reflect the profile of individual construction projects. This ESP will be produced through consultation between the developer and landowner and the LPA and ECC where relevant. Unless there is an existing plan, the ESP must address the employment and skills needs in the area that arise in line with the construction project. The ESP must be shared with and agreed by the LPA and ECC ahead of the s.106 being signed off. This will enable relevant and proportionate targets to increase the volume and quality of employment and skills interventions through construction projects, thus meeting local communities' specific needs in a fair, measurable and sustainable way.~~

~~Skills levels are a key determinant of a sustainable local economy, but they also have an impact on employment opportunities and thus an individual's economic prosperity. Improving the skills of the local labour force will be key to maintaining its economic competitiveness. Increased skills and employability will enable residents to take advantage of opportunities created by new development.~~

~~In the current economic climate and national skills shortage, ECC will expect developers to prepare an 'Employment and Skills Plan' (ESP) seeking to drive forward an increase in construction employability levels and workforce numbers. These plans will help to address negative perceptions of the sector and develop a strong future pipeline. This is referred to as the 'development phase'.~~

~~ECC will expect landowners to produce an ESP for commercial developments, to enable wider employment opportunities for those requiring additional support to enter the job market. This is referred to as the 'end-use phase'. Templates for Employment and Skills Plans for both development phase and end-use phase can be found in Appendix L.~~

~~Skills levels are a key determinant of a sustainable local economy, but they also have an impact on employment opportunities and thus an individual's economic prosperity. Improving the skills of the local labour force will be key to maintaining its economic competitiveness. Increased skills and employability will enable residents to take advantage of opportunities created by new development.~~

~~Therefore residential sites with 50 dwellings or more, or employment sites providing 2,500sqm (GIA) or more of floorspace will be required to provide the relevant ESPs.~~

~~A monetary contribution will be sought for sites meeting either of the above thresholds in order to address skills levels and work readiness. Contributions will bring about interventions for those requiring additional support to enter the job market.~~

As part of the development of the ESP, the LPA and ECC where relevant, will work with the developer and landowner to identify a particular strategic aim relating to an employment or skills need in the area and seek a financial contribution to address this strategic aim. ECC and the LPA can support in both identifying the skills and employment need in an area and in calculating the appropriate contributions. See section 5.4.3 on financial contributions.

These measures seek to enable local residents to benefit economically from new developments by reducing long-term unemployment, increasing skills and employability levels as well as providing employment and in-work progression opportunities for Essex residents. It will encourage realistic and deliverable provision for employment and skills, responding flexibly to the circumstances of individual schemes.

Employment and Skills strategy plan

5.4.2.

Employment and Skills Plans should be created by the applicant prior to implementation and must include a series of key performance indicators for both the development phases and, in the case of commercial sites, for the end-use phases. Where developers are already bringing about activity, these may contribute towards meeting the agreed ESP performance indicators. The ESP is expected to include the following key performance indicators and developments are expected to meet the minimum benchmarks outlined. The benchmarks are pursuant to the National Construction Skills Academy model adopted by the industry and outlined in 'Appendix L: Employment and Skills'.

Construction Phase

- Growth in construction apprenticeships (new employees, resident in Essex) working on the project, and notification of apprenticeship opportunities, prior to advertisement, to ECC, local authority or any other agency nominated by ECC or the local authority. open to candidates nominated by ECC (or other agency as agreed by ECC), and notification of apprenticeship opportunities, prior to advertisement, to ECC or any other agency nominated by ECC.
- School/college engagement activities or events to enable them to promote the achievement of the skills and qualifications needed for employment in the construction and built environment sectors amongst young people aged 11 to 19 (25 years for those with an Education, Health and Care Plan (EHCP)). The ESP will need to contain a detailed programme for the initiatives to be delivered. Examples include career inspiration events, employability and work readiness activities, curricula support and employer engagement. Examples of how these could be achieved include:
- a. Careers talks in schools and colleges from the developer on the industry or company itself. These could be in person or recorded for schools and

colleges to use. There is the opportunity to challenge stereotypes and include presentations from those in positions that challenge particular stereotypes, or that have overcome barriers. For example, those in positions that are perceived to be held by a particular sex or those that have retrained and moved careers.

b. Virtual tours of the real work environment that could be used by schools or colleges. These could be live or recorded.

c. Masterclasses on technical skills delivered in schools and colleges to facilitate skills-based training and inspire the next generation.

d. Competitions or project briefs (with work mentors provided) to help students in colleges and schools benefit from project-based learning, problem solving, and acquisition of skills for working life.

- Work placements. ~~ECC expects d~~Developers or their supply chains to support residents in Essex with real-life experiences of work by providing placements-work experience placements lasting a minimum of one week for those 16+ and supporting the work experience requirements of T level qualifications.

- ~~Note: in order to prepare for the forthcoming introduction of technical study programmes (T Levels), ECC will continually review and where necessary, update the appropriateness of the above obligation in relation to work experience placements to reflect changing Government policy.~~

- Supported employment opportunities.

- Pre-employment opportunities. Support the delivery of bespoke pre-employment and skills training for Essex residents that will provide them with the skills to access the jobs that are being created.

End-use phase

- Supported employment for local residents. Provision of employment opportunities which have appropriate support to make them suitable for those unemployed or groups who require additional educational and skills support such as individuals with an EHCP, care leavers, young carers, youth and ex-offenders.

- ~~ECC would expect every 2,500 sqm of commercial development to be capable of generating at least one paid job placement lasting for a minimum of forty-six months. These supported employment opportunities will need to prioritise Essex residents. These supported employment opportunities will need to be open to candidates nominated by ECC (or another agency as agreed by ECC).~~

End-use and construction phase:

- Provision for notification of job vacancies (including apprenticeships), arising from both the construction and end-use occupation, to ECC and the local authority or any other nominated agency ~~nominated by ECC.~~

Templates for Employment and Skills Plans for both development phase and end-use phase can be found in Appendix L3.

~~The obligations set out above envisage that developers and/or landowners will make, or will bring about, the necessary provision. However, if the developer or landowner can demonstrate to the satisfaction of the LPA and ECC that there are circumstances specific to the scheme such that either direct provision is not operationally feasible, or that an alternative means of delivery would result in a more effective outcome because of the particular circumstances of the scheme, then the LPA and ECC may consider a financial contribution in lieu. ECC encourages developers and landowners to engage with LPA and ECC officers where relevant at the earliest opportunity, to discuss the specific circumstances of the scheme. See Appendix L2 - Employment and Skills' contribution in lieu guidance.~~

Financial contributions towards Employment and Skills

5.4.3.

~~In addition to the obligations set out as part of an ESP, developments will be expected to make financial contributions to- The financial contributions set out as part of the ESP will help support those sections of the Essex workforce that are furthest from employment, having been out of work for a long period of time and/or having low levels of skills, or groups who require additional educational and skills support such as individuals with an EHCP, care leavers, young carers, ex-forces, youth and ex-offenders. ~~The f~~Financial contributions will be used by the Councils to fund training and support to enable access to newly created employment opportunities for those who may struggle to access the opportunities without extra support. ~~Contributions may be sought as follows:~~~~

Financial contributions will be calculated by the LPA and ECC where relevant in consultation with the developer and landowner, based on the strategic aim to be met and will be proportionate to the scale of development or resulting employment opportunities from the project. The LPA and ECC can support in both identifying the skills and employment need in an area and in calculating the appropriate contributions. The calculations in Appendix L and the Employment and Skills Plan templates in Appendix L3 can be used as a guide where appropriate.

- ~~• Residential developments and residential elements of a mixed-use development of 200+ dwellings: a monetary contribution of £2,000 towards the cost of vocational training and employment support will be required by ECC for every 1,000sqm of development.~~
- ~~• Commercial developments and commercial elements of a mixed-use development: a monetary contribution will be calculated on the basis of an assumption about the level of net additional employment generated by a development.~~

Development phase construction (build) costs

~~To agree the volume of obligations and monetary contributions, it is expected that developers will supply ECC with the total build values of their project. In the absence of these values ECC will calculate the construction costs using the Building Cost Information Service, based on the unit mix and/or commercial floor space.~~

Compliance

5.4.4.

The S106 agreement will set out what the developer will need to do by way of providing information about progress against the ESP objectives – generally to provide data on a quarterly basis. The S106 agreement will also contain provision for ~~the authority through which the ESP objectives were agreed~~ ~~ECC~~ to seek a compliance payment from developers if ~~they are~~ ~~ECC is~~ not satisfied that the developer has been using reasonable endeavours to deliver the target employment opportunities set out in the ESP.

Should instances occur where ESPs are not met or are partially met, relevant penalty clauses will be applied, based upon 'Appendix L: Employment and Skills' contribution in lieu guidance. ~~Developers and land owners who fail to agree to an ESP (but who haven't agreed a payment in lieu) will be subject to a deemed target number of Essex resident jobs being imposed for the purposes of calculating the amount of a compliance payment.~~

~~Further advice~~

~~'Appendix L: Employment and Skills' contains examples of contribution payments.~~

5.5. Highways and transportation

Service overview

A high quality and efficient [sustainable](#) transport system is central to the growth of the Essex economy. ECC as the strategic highways and transportation authority works closely on long-term transport plans with each Local Planning Authority in support of their Local Plans. This work assesses the overall impact of development and identifies transportation measures to deliver sustainable development, including enhanced passenger transport services and infrastructure, comprehensive ~~cycle and pedestrian~~ [active travel](#) networks, improved public rights of way, and ~~sustainable~~[active](#) travel planning.

5.5.1.

ECC, acting as the Highway Authority, is consulted by the Local Planning Authorities on any planning applications that may have an impact on the Highway. In its response, ECC may request mitigation measures in the form of works to the highway, provision of active travel [interventions](#), [sustainable travel](#) planning measures and/or financial contributions towards strategic [sustainable](#) transportation projects. Where planning applications cannot satisfactorily mitigate their impact on the highway network and/or meet with current policy requirements the Highway Authority may raise an objection to the planning application.

Assessing the impact of development

5.5.2.

Any development site that proposes more than 50 dwellings, or commercial development that generates equivalent or higher traffic flows, will require a full Transport Assessment (TA). Lower levels of development may require a Transport Statement (TS). The TA will identify the sustainable transport measures that will be required to ensure that the site is accessible by a choice of modes other than the private car, including cycling, walking, public transport and horseriding. It should also assess the residual impact of the development traffic on the highway network, including identifying appropriate mitigation to ensure there is no detrimental impact on the safety and capacity of the highway network. Early pre-application discussion with the Highway Authority is essential to agree the scope of any TA or TS and for the applicant to understand the transportation requirements and strategy for the local area. Details on the thresholds for TAs and TSs are given in Appendix B of ECC's Development Management Policies February 2011 and any subsequent updates.

5.5.3.

Highways work versus contributions

Where mitigation is required this must be fully funded and delivered directly by the developer. The developer will be required to enter into a S278 Agreement with the Highway Authority to deliver the works. All work within or affecting the highway will be subject to technical approval by the Highway Authority prior to commencement on site. Details are to be agreed with the Development Management Team at development.management@essexhighways.org.

Contributions for highway works will only be taken in exceptional circumstances such as for large scale strategic transportation schemes, with more than one funding source, which have been identified through the borough, city and district Local Plan process and included in the associated Infrastructure Delivery Plan.

Where more than one development in an area generates the need for a specific local highways scheme which cannot be delivered by an individual development, it may be appropriate for ECC to secure financial contributions and to procure the works. ECC will require the developer to enter into a legal agreement under S106 or S278 agreement, as appropriate, to secure the contribution.

Highways work and surety

ECC will require an appropriate surety (either a cash deposit or a Bond) that can be called upon to pay for the completion of works in the event that the developer does not complete the highway works to the satisfaction of the Highway Authority.

5.5.4.

Inspection fees

Where developers are working in the highway, inspections have to be carried out by ECC and fees are charged, based on the cost of the works. At the current time the following fees apply:

5.5.5.

Table 10: Fees applied to cost of works

Cost of Works	% fee applied to cost of works
Under £10,000	Inspection fee based on the cost of the works with a minimum of £1,450
£10,000 to £500,000	8.5% of cost of works
£0.5m and £1.5m	7.5% of cost of works
Above £1.5m	Determined case by case

Prior to ECC embarking on any drawing checks an advanced checking fee of £3,000 will be required.

5.5.6.

Further guidance is available in the Development Construction Manual available on the ECC website.

Traffic Regulation Orders (TROs)

Where a development requires a traffic regulation order e.g. to provide waiting restrictions, there is a fee payable, to ECC, to cover the costs of processing and advertising the order(s). The fee varies according to what order and associated works are required. The developer will be responsible for procurement and implementation of the associated infrastructure including signage and lining. This will be secured through a S278 agreement. Further guidance can be found in the Development Construction Manual.

5.5.7.

Commutated sums for maintenance

When the Highway Authority takes on assets from developers it incurs maintenance costs for the life of the assets, and replacement costs at the end of their useful life.

Committed sums to cover these costs are required from the developer. These sums are secured through both Section 278 and Section 38 agreements, but any agreement that includes the transfer of an asset to ECC may require such a contribution. The types of asset include:

- Street lighting
- Traffic signals and illuminated signs
- Pedestrian crossings
- Highway structures such as retaining walls, bridges and gantries
- Landscaping and adopted land
- Fencing and noise bunds
- Bus shelters and other public transport infrastructure
- Street furniture and bollards
- Soak-aways
- Drainage infrastructure
- Tree planting in soft and hard landscaping, hedges
- Culverts
- Traffic management features
- Interceptors
- Pavements
- Cycle ways
- Electric vehicle charge points

The calculation of committed sums for maintenance follows the principles set out in the guidance produced for the Department for Transport by ADEPT, the Association of Directors of Environment, Economy, Planning and Transport, formerly the County Surveyors' Society. More details of this guidance, and how sums are arrived at, are given in '[Appendix G: ADEPT guidance on maintenance costs](#)~~Appendix G: ADEPT guidance on maintenance costs~~'. A full list of assets, with relevant maintenance contributions, is given in '[Appendix H: Standard Committed Sums for Maintenance \(April 2017\)](#)~~Appendix H: Standard Committed Sums for Maintenance (April 2017)~~'. It must be noted that developers should not assume that ECC will accept responsibility for or maintain all Highways infrastructure. For example, street lighting that does not form a useful network function may not be requested on some roads and it would not thereby automatically be eligible for adoption.

Any asset that a developer is seeking ECC to adopt must be in an appropriate condition and any required maintenance work at that time must be completed by the developer prior to transfer. Where proposed materials are not within the current specification applied by the Highway Authority, additional sums may be added or adoption of the item refused.

There are also special circumstances whereby ECC will require commuted sums for maintenance of an asset it already owns. For example, if construction traffic is likely to damage the carriageway, the developer may be required to deposit a sum with ECC. The sum will in whole or in part be returned if no damage occurs. This type of maintenance is usually secured through a Section 106 agreement.

5.6. Sustainable Travel Planning

Service overview

Travel Plans are long term management strategies providing a framework for managing [travel needs](#) transport issues and promoting travel choice. Developing a Travel Plan can help to reduce the use of the private car, which in turn helps to tackle localised congestion, [reduce air pollution and mitigate climate change](#).

5.6.1.

In accordance with the requirements of the NPPF, Travel Plans are an essential component of workplace, residential and school planning applications. Each Plan contains 'modal share' targets and identifies measurable outcomes, along with arrangements for monitoring the Plan's progress, and mitigating actions to be agreed in the event that targets are not met.

The Sustainable Modes of Travel Strategy sets out how ECC aims to effectively target and adopt different methods of successfully encouraging modal shift, by giving the people of Essex a better choice when it comes to travelling in and around the county; as well as trying to alleviate some of the strain on the highway network. The strategy also aims to facilitate the associated environmental, social and health benefits of better managed congestion.

Example frameworks for Workplace, Residential and School Travel Plans and accompanying guidance notes can be found at:

<https://www.essex.gov.uk/sustainable-travel>

Workplace travel plans

Workplace Travel Plans are required for all commercial developments, including expansion plans, where the proposal would take total staff numbers to 50 employees or more. A robust Travel Plan can aid recruitment, retention and morale, improve transport infrastructure and reduce congestion in and around the site, also raising the ethical profile of the company. [More information on developing a Workplace Travel Plan can be found in the document 'Helping you create a Business Travel Plan'](#). ECC also runs a network for businesses who want to develop and implement a travel plan – see '[Appendix I: Smarter Travel for Essex Network](#)~~Appendix I: Smarter Travel for Essex Network~~' for further information.

5.6.2.

Residential travel planning

Focusing on travel by residents and designed to encourage sustainable travel from the start of a journey, rather than to a specific destination, and for a number of journey reasons, i.e. work, leisure, education and/or accessing services.

The size of a residential development determines the requirement, as set out below:

Residential Travel Information Pack - applicable for all residential developments comprising of 1 to 79 dwellings:

A booklet, tailored to the specific site location, containing information on local transport and travel opportunities and promoting the benefits of these; including tickets for free bus (or rail) travel.

Contents included are:

- Introduction
- Walking and Cycling
- Public Transport - broken down into bus and rail travel (including free tickets if applicable)
- Park and Ride
- Car Sharing
- Electric Vehicles
- School Transport
- Taxi travel
- Useful contacts

The packs can be purchased at a charge through the Sustainable Travel Planning Team (travelplanteam@essex.gov.uk).

Residential Travel Plan - applicable for all residential developments comprising of 80+ dwellings:

A working plan includes a number of travel plan measures (listed below) to ensure sustainable means of travel are available to residents. The Plan will incorporate information on the Travel Plan Co-ordinator, Aims and Objectives, Targets (including an Action Plan) and an agreed monitoring programme (including biennial travel surveys and annual traffic counts).

Measures include:

- Residential Travel Information Pack
- Safe pedestrian and cycle routes
- Car Clubs
- Public Transport services, maps, leaflets and information
- Websites, travel information boards or online portals
- Community travel events
- Community Engagement Group
- Car Sharing
- Car charging points (standard and rapid chargers)
- Marketing, Promotion and Information (including walk/cycle challenges)

5.6.3.

School Travel Plans

Where a new development includes a proposal for building new educational or training spaces, schools will be expected to help minimise the carbon footprint produced by the education establishment. Developers will also be expected to

ensure the design and layout of the development surrounding the education establishment is designed to encourage active and sustainable modes of travel.

They Developers will be required to work with the Sustainable Travel Planning Team to implement a School Travel Plan. This will involve consideration of access to the educational site and the walking and cycling routes to it, including any appropriate crossing facilities and the funding of a School Crossing Patrol (for Primary Schools), in line with the ECC School Crossing Patrol Volunteer Agreement that must be signed and agreed by the developer for the duration of the development. Further considerations will include:

- School entrance/s for pedestrians should be located to improve accessibility from all relevant directions, and a sense of place – consider a public square just outside each entrance
- Design out car drop-offs and picks-ups by creating the car-free zone of an appropriate radius
- A permeable development layout, shortening the walking and cycling distances against road travel, i.e. short-cut footpaths
- Provide design cues that this is a school entrance street (e.g. school signage, artwork created by pupils, planters, street trees, cycle parking, etc)
- Good crossing points, across roads and cycle paths alike, for pedestrians
- Widened footways (minimum 2 metres)
- Defined separation of walking and cycling sections of pathways
- Low-level (pedestrian-focused) street lighting
- Cycle parking, for pupils and staff, for long and short stays near school entrance
- Scooter parking for KS1-2 schools
- Parental waiting shelters
- Separate traffic entrance/s should be provided for permitted vehicles (staff, deliveries, maintenance, emergency services, as well as disabled access)
- Staff showers and changing rooms

5.6.4.

Section 106 requirements

Details of the legal obligations associated with Travel Plans are set out in the template Section 106 agreement provided as ‘Appendix A: Section 106 Agreement Template’ of this guide. Developers are required to pay a one-off fee of £5,000, index-linked with the Government’s Consumer Price Index (CPI) and based on April 2019 costs for ECC to monitor and review each Travel Plan. The fee pertains to ECC involvement over a minimum five year period from the date of first occupation, to ensure the Travel Plan remains an ‘active’ document with the overarching aim of achieving a reduction in single car occupancy

Monitoring and review consists of three main activities:

1. Management and co-ordination of annual travel surveys
2. Setting modal shift targets annually with agreement between both parties
3. Providing advice and support to the on-site Travel Plan Co-ordinators

The travel plan monitoring fee structure for residential developments is detailed below:

Table 11: Travel plan monitoring fee structure for residential developments

Dwelling	Fee
Up to 79 dwellings	No fee
80-449 dwellings	£1,500 per annum (index-linked as above)
450-749 dwellings	£2,500 per annum (index-linked as above)
750-1000 dwellings	£3,500 per annum (index-linked as above)
1000+ dwellings	Fee will be negotiated case by case.

For applications of more than 1000 dwellings, the fee will be negotiated case by case.

The fee is for services supplied to the developer by ECC, for the provision of support and advice to the onsite Travel Plan Co-ordinator on the management and implementation of the Residential Travel Plan, thus enabling them to effectively deliver the Travel Plan. Co-ordination of the travel surveys and/or traffic data counts must be paid for separately by the developer.

An authority may require a developer to prepare a Workplace/Residential Travel Plan for a development which has fewer employees/dwellings than those identified in the thresholds specified above, for example because the development is in an area that is particularly congested or has an air quality issue. In such cases ECC will require the minimum fee of £5,000 (one-off payment for workplace) or an annual fee of £1,500 (for residential) index linked, to monitor and review the Travel Plan.

In all cases (both Workplace and Residential) the developer is responsible for producing the draft plan and any travel packs that are required. The developer may however seek ECC's assistance and under certain circumstances buy-in ECC's expertise.

5.7. Passenger Transport

Service overview

Public passenger transport has a vital role in keeping communities connected, supporting economic growth, reducing congestion, helping to protect the environment and maintaining journey time reliability for all road users.

- 5.7.1. Public transport allows residents to reach essential key amenities and services (such as employment, health, education and shopping) and has a major influence on our overall quality of life. Such services are particularly important in rural communities and for sections of society that do not have access to a car, such as young people, but also make a major contribution to ensuring long term sustainable development.

ECC, as the Local Highway and Transportation Authority, has responsibilities for public transport under the Transport Act 1985, the Transport Act 2000, the Traffic Management Act 2004, the Local Transport Act 2008 and the Bus Services Act 2017. The legislation requires the production and review of a Local Transport Plan which identifies transport policies and how these will be delivered. It has also adopted and published its Passenger Transport Strategy “Getting around in Essex” and the ‘Local Bus Service Priority Policy 2015 to 2020’⁷.

The documents set out the County Council’s strategy and policies for the provision of public transport. Guidance notes have been produced for developers dealing with the demand for public transport, and passenger transport infrastructure arising from new developments is described in these documents which have been incorporated into the Essex Design Guide.

- 5.7.2. **How the need for passenger transport is assessed**

In general developers will be expected to make an appropriate financial contribution to mitigate the impact of their development on the local transport network and to help ensure that the development is sustainable.

However, requirements for contributions will be gauged on a site by site basis. ECC’s view of the appropriate levels of infrastructure and service support required for a development to meet these criteria is set out in ‘[Appendix M: Additional Guidance for Developers on Passenger transport requirements](#)’.

In broad terms:

- For small scale developments of up to 100 dwellings located near to frequent current bus routes, developer funding will be focused on improvements to existing bus infrastructure, including the provision of footway access, raised access kerbs, and dropped kerbs, central pedestrian refuges at safe crossing points, bus stop signs, timetable cases, passenger shelters and/or real time passenger information.

⁷ <https://www.essexhighways.org/transport-and-roads/getting-around/bus/bus-strategy.aspx>

- For moderately sized developments of between 100 and 500 dwellings, the developer will (in addition to the above and where the existing service level is considered inadequate), be required to fund diversions to existing bus routes or make a proportionate contribution to new services aimed at ensuring that all residents are able to access to bus stops with an adequate level of service to key amenity centres.
- For larger scale developments of between 500 and 1000 dwellings the council will (in addition to the above) require a suitable level of [sustainable](#) transport service to be agreed with the aim of meeting access and sustainability requirements (including any modal share targets agreed for the development) and which mitigates the impact of the development on the local transport network
- For very large developments of in excess of 1000 dwellings, such as the proposed Garden [Communities/Villages/Towns](#), a fully bespoke integrated transport package will be required, with strong focus on establishing modal share and long term financial and environmental sustainability and to mitigate the effect of the development on the wider transport network.
- For moderate sized developments upwards, developers will be asked to meet any identified interim costs incurred by the county council from transporting students to and from education sites between first occupation and the opening of any education provision agreed for the site (see '5.3.1- How the need to provide school transport is assessed').
- ECC will either collect contributions itself, to allow it to ensure that the services procured have real network benefits and maximise the potential for commercial viability in the longer term or in some cases developers may be required to negotiate directly with bus companies to deliver an appropriate package of services.
- To encourage long term financial sustainability and meet modal share targets, bus services should be provided at the time dwellings are first occupied. It is likely that in such cases the developer may be expected to subsidise a service until it becomes commercially viable. The agreement may, however, set time, occupation or financial limits to this type of contribution.
- In some locations the provision of demand responsive transport may be appropriate.
- Recognising that many households will require parking for private cars, adequate provision for unimpeded through routing of buses must be made. To this end the design of roads intended as bus routes must allow for unimpeded bus travel even if parking occurs on both sides of the road.
- Parking restrictions may also be required to protect key turning or stop areas and to prevent parking allowing vehicles to block speed cushions or tables. Developers should expect to contribute towards any necessary Traffic Regulation Orders and the delivery of associated signs.

- The intention to establish bus routes, and the associated measures, must be made clear to potential new residents to ensure that objections to Traffic Regulation Orders are avoided.

5.8. Public Rights of Way

Service overview

The Highways Act 1980 places a responsibility on all Councils to protect Public Rights of Way. Public Rights of Way are also a material consideration in the determination of any planning application. The granting of planning permission does not in itself provide authority to obstruct or alter the legal route of a Public Right of Way.

Assessing the impact of development

The Highway Authority may seek works or a financial contribution from developers to ensure that Public Rights of Way either on, or in areas adjoining new developments, are appropriate to accommodate the additional use new residents will generate. Where the Public Right of Way or relevant part thereof, is over land within the control of the developer, the developer will be required to complete the works under a Section 278 agreement. Where the works require the agreement of any third party owners, ECC may agree to take a financial contribution, and complete the appropriate works, but will only do so where it is evident that the upgrade is achievable. Any transport strategy that relies upon the delivery of an upgraded Public Right of Way must be proved feasible by the developer to be accepted.

Such improvements, where appropriate, may be secured by a Section 106 Agreement (which can have attached to it a public path creation agreement) or by a suitably worded planning condition. Where such improvements are for the provision of a cycle track, which coincides with an existing public path, the developer would be expected to fund the necessary Cycle Track Conversion Order. The agreement would also require the cycle track to be constructed in accordance with specifications [set out within the Manual for Streets and Cycle Infrastructure Design LTN 1/20](#) and agreed by the Highway Authority.

Specimen clauses for insertion to secure Public Rights of Way as part of a development scheme are available in 'Appendix A: Section 106 Agreement Template'. However the following points are also important:

- Paths should be retained on their existing routes wherever possible. Section 257 of the Town and Country Planning Act 1990 states that diversions should only be made if it is considered that it is 'necessary to do so to enable development to be carried out'. There is every expectation therefore that the existing Public Right of Way should stay where it is, particularly in large development sites, and the layout of the new build should be designed to accommodate the existing path alignment.
- ~~With the ever increasing need for sustainable transport often with Active travel must be provided through~~ the provision of [walking, cycling and wheeling](#) facilities. ~~These, it is expected that these~~ will be delivered by way of purpose built [Cycle Infrastructure Design \(LTN 1/20\)](#) cycle tracks or where appropriate, upgrades to an existing footpath with a cycle track conversion order. Creation of new bridleways in urban areas as a means of facilitating

cyclists is not considered an appropriate means of provision for cyclists. 'White lining' is also not considered appropriate.

- For detailed guidance, please refer to: "Development and Public Rights of Way" advice notes for developers as published on the Essex Highways website.
 - a. "Development and Public Rights of Way" advice notes for developers as published on the Essex Highways website
 - b. Department for Transport's Cycle Infrastructure Design LTN 1/20.
 - c. Manual for Streets
 - d. The Essex Highways Cycle Design Portal also supports our aims to ensure LTN 1/20 compliant schemes are possible by providing designers, engineers and planners with the latest guidance, and (where available) technical notes, lessons learnt, links to good practice and examples of current best cycling practice for Essex. The pages are regularly updated and developed as new best practice is discovered, developed and updated, meaning that the latest guidance can always be ready and available when developing new cycle schemes.

5.9. Waste Management

Service overview

ECC is both the Waste Planning Authority (WPA) for Essex and the Waste Disposal Authority (WDA). The WPA is responsible for waste development planning for all waste arisings and is required to determine planning applications for waste facilities. The WDA is responsible for the disposal of Local Authority Collected Waste (LACW) and providing publicly accessible Recycling Centres for Household Waste (RCHW).

5.9.1.

The cost of waste disposal is affected by waste composition, disposal technology and geography. The typical cost of disposing of residual waste is currently in excess of £150 per tonne. Waste disposal costs are expected to rise in the future as more stringent environmental waste standards come into force. A typical Essex household produces over a tonne of waste per annum of which approximately half is recycled, and the remainder is sent for disposal.

The Joint Municipal Waste Management Strategy (JMWMS) for Essex details the vision for the management of LACW in Essex. Essex favours an approach led by waste minimisation, coupled with high levels of recycling and composting. It has a target to recycle at least 50% of household waste with an aspiration to achieve 60% recycling and avoid waste to landfill. The JMWMS will be subject to review during the lifetime of this guide to reflect national policy and emerging legislative changes resulting from the adoption of the Government's Resource and Waste Strategy

5.9.2.

Infrastructure need

Waste treatment and logistics infrastructure has been developed for the treatment of LACW and to support the delivery of the JMWMS. This consists of a mix of local authority owned infrastructure and contracted arrangements with private sector infrastructure providers. Development will increase the amount of LACW which will place operational pressure on infrastructure. The major centralised waste treatment facilities have been developed with appropriate capacity to accommodate growth, however larger developments are likely to necessitate additional investment in the local public facilities and logistics infrastructure. The local infrastructure that may require investment to increase capacity are the public facilities such as RCHW and recycling bring bank sites, and the local logistics infrastructure such as vehicle depots and waste transfer stations.

5.9.3.

Assessing contributions

Contributions will be required in respect of the new Garden Communities to support development of local waste management infrastructure to deliver the operational integrity of the waste management system. The level of contributions requested will be assessed on a case by case basis following evaluation of infrastructure capacity within the locality prior to development, and an operational needs assessment and will be used to mitigate the impact of these large residential sites.

5.10. Libraries

Service overview

Essex County Council has a statutory duty under the 1964 Public Libraries and Museums Act to provide a comprehensive and efficient library service for all person's resident working or studying in the area.

- 5.10.1. The Department for Digital, Culture, Media and Sport (DCMS) oversee the provision of this statutory duty and also promote the improvement of the provision of public services in England by the relevant local government body.

Furthermore, the Secretary of State has a statutory duty to promote the improvement of public library services and monitors their developments with the support of the Arts Council England (ACE), the national development agency for libraries.

To support the delivery and maintenance of the required library service for Essex County, Essex Library Services has developed The Everyone's Essex Library Service Plan 2022-26

The Everyone's Essex Library Service Plan 2022-26 commits to putting Libraries at the heart of our communities. Essex currently has 74 libraries, a home library service and 3 mobile libraries.

The Library Service supports communities across the county, the services are a lifeline for many people and we are looking at how to deliver the library service in different ways, to improve the current delivery, as well as how to make the most of underused space in our buildings and facilities across the county.

- 5.10.2. Libraries act as a hub for communities to come together and interact, and are a vital resource for helping residents improve their literacy, and provide a place to learn new skills. The library service is a shared gateway to other services and also for accessing digital information and communications.

Service delivery

The Everyone's Essex Library Service Plan 2022-26 is structured on 3 pillars:

- 5.10.3.
 1. Library Service and literacy
 2. Communications and infrastructure
 3. Supporting our communities and levelling up

Ensuring our libraries are fit for purpose, working with the right partners and, most importantly, in the right places.

How the need for additional provision is assessed

Contributions will be sought to provide additional facilities, stock and IT provision where there is expected to be significant growth in population created by development, or where a new community remote from an existing provision is established.

For provision of new libraries, including within community shared facilities, the process below is followed,:

- Planning applications for developments with 20 or more dwellings will be considered
- Other known growth in the area will be taken into account
- Long term capacity and future requirements across the area will be assessed

The Essex guideline for a new stand-alone library is that it should serve a discrete community of at least 7,000 people - very few developments will therefore demand a library for itself so there is likely to be a need to 'pool' contributions and to consider library provision as part of a community hub along with other complementary facilities.

Where the increase in projected population more than doubles an existing library catchment area, it is likely that a new facility or building will be required. Provision of this space could be as part of a shared community or educational facility for example – and would allow consideration to be made for varying scales of development.

How the money will be used

5.10.4.

- Monies may be used to enhance existing service points; work with other County and District/Borough/City Councils, voluntary and other services, eg NHS, to establish joint community facilities or create a new mobile library stop or build a new library in the case of the largest developments. Costs of decanting an existing building, including the purchase and storage of new and existing stock during and for the move to the new building would also be required.

5.10.5.

- Additional requirements, which may include upgrading existing facilities, expansion of existing buildings, additional furniture, technology and stock, and these will be directly proportional to the increase in the projected population of the specific area.

How the contributions will be calculated

Detailed calculation will be based on a several factors:

- A new library building, fixtures and stock. The provision of a new library is only likely to be sought on major new housing sites/allocations of 7000 people or more. However, each case will depend on an assessment of the particular requirements in that area and the likely impact of the new development on current provision. The cost of a new library will need to be negotiated on a site by site basis
- A library extension - a service requirement of 30m² net of public library space per 1000 population, based upon the current model of delivery and found in the Museums, Libraries and Archives (MLA) advice. The average cost per sq.m. for library provision is £2,020 (RICS East of England Library tender value first quarter 2013). Based on an average household size of 2.4 occupants this gives a figure of £144 per dwelling. In addition, there would

be a requirement for the extension to be fitted out at £100 per dwelling. This brings the total requirement to £244 per dwelling

- Major Capital Project to an existing library facility – this might include provision of new toilets etc. The cost associated with this work is £244 per dwelling
- Fitting out costs including furniture, decoration, new flooring, reconfigure layout, refurbish toilets, improved access, external works such as parking and bike racks and technology based upon current fitting out costs of new provision in Essex – e.g. Springfield. The costs associated with this work is £100 per dwelling
- Provision of stock, “talking books” DVDs and other leisure materials, self-service” facilities and other potential IT equipment to increase the opening times and capacity of the library, Provision of furniture, Provision of computers and computing equipment - including tables, Provision of learning equipment / play equipment for younger children. The costs associated with the above items is £75 per dwelling

5.11. Flood and Water Management and Sustainable Drainage Systems (SuDS)

Service overview

5.11.1.

As a Lead Local Flood Authority, ECC must develop, maintain, apply and monitor a strategy for local flood risk management in its area consistent with national strategies and in accordance with the Flood Risk Regulations 2009 and the Flood and Water Management Act 2010 Paragraphs 9 (1), (2), (3) and (4). Surface Water Management Plans (SWMP) provide the platform for the identification of Critical Drainage Areas (CDAs), a suite of feasible measures to reduce the flood risk in the CDA and preliminary costs of delivering these measures. Therefore in accordance with NPPF (paragraph 156), Local Plans should be supported by Strategic Flood Risk Assessments taking into account advice from risk management authorities such as Lead Local Flood Authorities.

ECC has taken the approach of undertaking the preparation of SWMPs for all the District, Boroughs and City Councils in Essex and views these as the most up-to-date body of evidence about surface and ordinary water course flood risk. The SWMP documents should constitute a significant component of the evidence needed by LPAs when negotiating Section 106 contributions from developers in order to mitigate the impacts of developments on the level of flood risk in a CDA. They should also inform any Infrastructure Baseline Studies and Infrastructure Delivery Plans and facilitate setting up a CIL charging schedule to provide flood defence infrastructure in order to accommodate new developments.

Sustainable drainage systems (SuDS) are a requirement of the NPPF (paragraph 103). Most Local Planning Authorities also require their inclusion in new developments under their local policies in order to meet water quantity, water quality and amenity/biodiversity requirements. From 6 April 2015 Government has made the upper tier authorities as the Lead Local Flood Authority. ECC in this role is therefore a statutory consultee to be consulted by local planning authorities in relation to surface water and SuDS proposals put forward in relation to major planning applications as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015.

In addition to the requirement for major planning applications to provide on-site SuDS, there is an overriding need to ensure that there is a viable option for their maintenance and to ensure that SuDS can be implemented and do not fall into disrepair which may result in flooding. SuDS are holistic systems that often cater for private and highway water within the same features however, ECC's position is to adopt SuDS only in exceptional circumstances. There is further information on the County Council's SuDS adoption policy on the ECC website. Adoption of SuDS will be subject to features being designed and built to the required standard with the long term maintenance cost being addressed through an up-front commuted sum payment. SuDS design should accord with the ECC SuDS Design Guide. Agreement to adopt will be on a voluntary basis for the developer and ECC. Some of the LPAs have reflected the SuDS Design Guide in their own Supplementary Planning Document adoption statements.

Whilst whole life maintenance costs of SuDS features are accepted by the industry to be comparable to those of conventional drainage, the routine maintenance is often more frequent/expensive and the replacement costs less frequent/expensive. If SuDS were to be approved for adoption under ECC's exception policy, the commuted sum should reflect this short term increase in cost. As vegetative SuDS features are expected to last longer before requiring replacement there is also an argument that the commuted sum fee period should be extended to include one replacement. Therefore ECC will require a minimum 30 year commuted sum maintenance payment, to include the replacement cost of SuDS infrastructure.

Where this exception SuDS adoption policy does not apply, local planning authorities will work with the developers to identify an alternative SuDS adoption body which could include a Water Authority or private management company. The Local Planning Authority will work with the developer to secure the long term maintenance of SuDS through a combination of planning obligation, planning condition and commuted sum payment guaranteeing their long term maintenance. Whichever SuDS maintenance option is chosen by the developer, early engagement with the relevant adoption organisation and the local planning authority is essential to achieving a successful outcome.

5.12. Monitoring Costs

ECC will seek a charge towards the monitoring and administration of the relevant County Council obligations in S106 agreements to cover the following:

- The maintenance, ~~and~~ development and update of the planning obligations monitoring database system to assist in the co-ordinations of obligation preparation, completion, monitoring and review
- The monitoring of trigger points and development progress;
- Recovery of obligation contributions not made, including any necessary formal or legal action;
- Liaison between ECC and district/city/borough councils in respect of financial contributions requested and those held for infrastructure being provided by ECC;
- Reporting on the operation and outcome of ECC developer contributions (as required in the revised CIL Regulations – the Infrastructure Funding Statement).

The charge will generally be levied at a rate of £550 per obligation including schemes involving the phasing of payments. On more complex sites the charge will be levied at a rate of 1 % of the ECC's total obligations up to a maximum of £10,000 per agreement.

However, on major strategic housing sites (typically over 1,000 dwellings), the monitoring fee will be negotiated on a site by site basis reflecting any potential complexities associated with the S106 and the additional work involved in monitoring the agreement over a lengthier time period.

In all cases the monitoring charge will be payable on commencement of the development.



6

Further Advice

6. Further Advice on key issues

6.1. Contact with Local Planning Authorities

Developers are strongly advised to check the scope and level of potential obligations prior to purchasing development land or submitting a planning application. In the first instance developers should contact the Local Planning Authority responsible for the area in which their proposed development lies. Their contact details are as follows:

Table 12: Contact details of Local Planning Authorities.

Local Planning Authority	Email	Telephone
Basildon Borough	planning@basildon.gov.uk	01268 533333
Braintree District	planning@braintree.gov.uk	01376 552525
Brentwood Borough	planning@brentwood.gov.uk	01277 312500
Castle Point Borough	info@castlepoint.gov.uk	01268 882200
Chelmsford City	Online form on www.chelmsford.gov.uk	01245 606826
Colchester Borough	planning.services@colchester.gov.uk	01206 282424
Epping Forest District	contactplanning@eppingforestdc.gov.uk	01992 564000
Harlow District	planning.services@harlow.gov.uk	01279 446655
Maldon District	contact@maldon.gov.uk	01621 854477
Rochford District	planning.applications@rochford.gov.uk	01702 318191
Tendring District	planning.services@tendringdc.gov.uk	01255 686868
Uttlesford District	planning@uttlesford.gov.uk	01799 510510

The Local Planning Authority may request that developers contact ECC direct regarding some of the aspects listed in the guide. A Contribution Enquiry Form is provided, as [‘Appendix B: Request for Planning Advice](#)

[Appendix B: Request for Planning Advice](#)

’ to this document. This can be sent in by post to the address on the back cover of this guide or a copy can be downloaded from www.essex.gov.uk and emailed to development.enquiry@essex.gov.uk.

It must be stressed that circumstances can change between advice being issued and the formal assessment of a planning application. The estimated level of financial contributions will also rise in line with cost inflation during any intervening period.

Additional useful information

There are a number of other requirements which should be borne in mind when considering a site and preparing a planning application for submission. These include matters relating to adult social care, public health, biodiversity and heritage assets. ECC will provide advice on these matters as required. There are also sections related to the NHS, public art and the emergency services.

6.2. Adult Social Care

Background

City, Borough and District Councils in Essex are responsible for securing contributions from developers towards Affordable Housing but ECC has responsibilities for housing some vulnerable groups and will work with districts on how these responsibilities can best be met.

6.2.1.

These services are provided to deliver wider benefits to individuals and communities as well as to meet statutory duties. The strategic and legislative framework for social care is set nationally with local strategies and initiatives developed to interpret national strategy and reflect local priorities.

The Care Act 2014 has integrated the provision of social care and health services for the benefit of the client. Health and social care providers in Essex are increasingly seeking to join up their efforts into integrated pathways which provide a consistent service for citizens and make best use of resources. ECC has appointed Integrated Commissioning Directors to work with each of the five local Clinical Commissioning Groups (CCGs) to join up services.

Specialist housing need

6.2.2.

In order to deliver its aims and duties, ECC seeks to develop a range of supported living options and to commission services to support people to remain living independently for as long as possible.

Since 2012 ECC has offered capital grant support to developments for working age adults with disabilities and in 2014 began to make a similar offer for housing for older people. The number of schemes accessing these grants is lower than anticipated and insufficient to meet the current and future demands.

In 2014 ECC began developing a strategic approach to the delivery of housing for older people at scale; districts, providers and developers are involved in shaping the outcomes. This work will be progressively concluded in 2015 with information published throughout the year. It is likely to include details of a continued capital grant scheme, models for land and building donations to support scheme viability and proposals for ECC to work in closer partnership with a number of developer/providers. A similar process is being considered to meet the needs of working age adults with disabilities.

A Market Position Statement, which is updated at regular intervals, provides a picture of the County in terms of demand, supply and opportunity for a range of specialist housing. Specific needs identified include:

- Older people: Data analysis tells us that there are approximately 5,000 Essex residents who meet the criteria to access specialist housing with care that is being provided as an affordable housing option. This figure increases only slightly over the next 5 years. A proportion of these 5,000 residents will be best served by a form of specialist housing with care.
- Working age adults with disabilities, including learning disabilities, physical impairments and sensory impairments: There is an identified shortfall of

around 270 units of supported accommodation of various types across the County. Specific gaps in provision include supported accommodation for Deafblind people and people with physical impairments who are wheelchair users and/ or have specialist support needs such as due to an Acquired Brain Injury.

Details on the characteristics of suitable sites/ buildings for specialist housing with care for older people and working age adults with disabilities can be found in 'Appendix K: Site characteristics profile for housing for older people and adults with learning disabilities'.

- Mental health: There is a need for blocks of 12 or so flats, with an on-site office, in a number of areas. In addition, there is a need for move-on accommodation of self-contained flats in general needs accommodation.
- Vulnerable people: Support is currently provided to a range of vulnerable groups such as women fleeing domestic violence; homeless single people and families, older people and people with substance misuse problems.

6.3. Protecting Biodiversity

Planning Policy Background.

6.3.1.

The NPPF recognises that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing measurable net biodiversity gains. Biodiversity Net Gain is an approach to development, and/or land management, which aims to leave the natural environment in a measurable better state than beforehand. BNG is additional to existing habitat and species protections. BNG aims to create new habitats as well as enhance existing habitats, ensuring the ecological connectivity they provide for wildlife is retained and improved. Additional guidance is set out within the Natural Environment section of the Planning Practice Guidance.

The NPPF suggests that development should be directed at land of lower environmental value and that planning policies should consider biodiversity at a landscape level, identifying local ecological networks and promoting the conservation, restoration and enhancement of Priority Habitats.

Within the NPPF, there is a clear hierarchy enshrined within the principles by which biodiversity can be conserved and enhanced within the planning system. Paragraph 174 requires that planning policies and decisions contribute to and enhance the natural local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 175 (a) states that, *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.* It stresses the need to encourage the incorporation of biodiversity in and around developments and the importance of habitats that are considered irreplaceable, such as ancient woodland and veteran trees.

6.3.2.

Mechanisms for achieving Biodiversity Net Gain

Biodiversity Net Gain delivers for the environment alongside development. Mandatory BNG is expected end of 2023 and is likely to be secured as a pre-commencement condition. 10% BNG is the mandatory minimum required, as outlined in the Environment Act 2021. LPAs may set higher targets for the percentage of net gain expected from new development. This might also include requirements for minimum levels of biodiversity delivery on sites that currently have little or no existing biodiversity. England are currently in an interim period, less than a year away from mandatory Biodiversity net gain. The approach to BNG may evolve as new guidance and/or secondary legislation is released. ~~It is anticipated that Biodiversity Net Gain will become mandatory for Town & County Planning Act (TCPA) developments and that further information on the relationship between mandatory net gain and the planning system will be provided once a mandatory system is introduced.~~

Essex County Council encourages the incorporation of the ten Best Practice Principles developed by CIRIA/CIEEM/IEMA for those delivering Biodiversity Net Gain.

~~Net gain outcomes can be achieved on-site, off-site or through a combination of both. The initial focus should be on securing on-site delivery.~~

Biodiversity Net Gain is already being widely adopted across the industry and is measured through use of the Defra Biodiversity Metric. ~~The Metric is a biodiversity accounting tool that is to be used for calculating mandatory biodiversity net gain. This is currently v3.1. it can be used or specified by any development project, consenting body or landowner that needs to calculate biodiversity losses and gains for terrestrial and/or intertidal habitats. The Biodiversity Metric 3.1 has been extensively tested.~~ This calculates the habitat value of the site before and after development in terms of ‘biodiversity units’, ~~with any deficit identified as requiring compensation.~~ On-site delivery is preferred, but where this cannot be secured, the metric favours offsetting as close to the impact site as possible. ~~The Government has recently introduced a new Biodiversity Metric 2.0, encompassing a wide range of habitats, and this is still to be finalised.~~

~~Biodiversity Metric 2.0 is seen as beneficial by developers as a way to engage local communities and deliver their environmental objectives for development. The use of the Biodiversity Metric as a tool should be in conjunction with ecological advice, to quantify Biodiversity Net Gain in the terrestrial environment.~~

~~Biodiversity Net Gain schemes typically cover a minimum 25-year period. Landowners offering their land as suitable for providing biodiversity units will need to enter a minimum 30-year agreement, this means the land has to be managed in the way set out in the Habitat Management and Monitoring Plan for at least 30 years. If this 30+ year guarantee cannot be provided the land cannot be used for biodiversity net gain.~~ The developer is expected to pay for all costs associated with achieving the delivery of the anticipated biodiversity net gain outcome, capital and revenue, over this period.

Embedding net gain into local planning authority plans and strategies is a key prerequisite for securing net gain outcomes from most developers. ~~Once the mandatory requirement for BNG is in place it will be a legislative requirement. Local requirements for BNG should be outlined in the Local Plan and/or supplementary planning documents.~~ Biodiversity Net Gain helps deliver wider aspirations for on-site and strategic green infrastructure.

~~Local Nature Recovery Strategies (LNRS), outlined in the Environment Act 2021, will be a mandatory requirement and are a new system of spatial strategies for nature. The county-wide LNRS will help inform how and where biodiversity net gain should be delivered and will help to identify large scale ‘recovery sites’ for offsetting large amounts of biodiversity units. LNRSs can be used to target offsite BNG so that it contributes to the wider nature recovery network. However, LNRSs will not be available until at least 2024. In the interim, ~~W~~when delivering net gain off-site, opportunities should be sought to link delivery to relevant local plans or strategies e.g. Green Infrastructure plans, biodiversity opportunity areas and Nature Improvement Areas (NIA) in order to deliver the best outcome.~~

~~For additional information see ‘Appendix J: Protecting Biodiversity’.~~

6.4. Heritage Assets

ECC and Borough, City and District Councils are involved in the protection of heritage assets within the county, and Place Services provides historic environment advice to some Essex local authorities and to ECC itself. Where developments will directly affect heritage assets, which are of national or regional significance, there will be potential for positive management and enhancements to be put in place and defined within a Section 106 Agreement.

6.5. Employment Sites

When applications are made in respect of employment sites it is recommended that the following could be applied :

- Where employment floorspace is delivered alongside residential development, occupation of housing for each phase should be tied to **successful delivery of employment floorspace** (rather than simply marketing employment land). Where possible, pre-lets should be secured. Where this is not possible, the relevant district/borough council and ECC should be offered first refusal for multi-let space for start-up or grow-on businesses in order to secure its future.
- Where non-residential floorspace is provided, **details of flexibility and adaptability** should be provided. Such measures may include floors that can cater to heavy point loads, ceiling heights that allow a variety of economic activity and provide potential for mezzanine floorspace, unit sizes and construction that facilitate subdivision, construction that facilitates cost-effective extensions
- Where appropriate, and particularly where new service centres are being established, **meanwhile uses** should be considered to mitigate the negative impacts of vacant land / floorspace.

6.6. Public Health

Public Health is responsible for improving health, protecting health and preventing poor health across all ages within the population. It is recognised that ‘place’ is a major influencer on health and wellbeing, and this is demonstrated through the NPPF and Planning Policy Guidance. Public Health wants to ensure that places in Essex are as supportive to healthier living as they can be, addressing the lifestyle, social and economic factors that are influenced by our environments. New developments should be inclusive, accessible and supportive of reducing health inequalities. In order to achieve these aims, Public Health works closely across the health and care system with partners from Communities, Social Care, the NHS, the Emergency Services Collaboration and Sport England.

Healthy Place-making should include:

- Opportunities for increasing physical activity and active travel. This includes formal i.e. leisure centres, playing fields and formalised space for activity such as outdoor gyms, changing facilities and lighting and informal spaces i.e. walking/cycling/scooting routes and green space within development where spontaneous activity can occur such as play. These principles are supported via Active Design principles which are embedded throughout the Essex Design Guide
- The design of homes and housing so that it is adaptable and accessible to all throughout their lives
- Increasing access to healthier and local food growth opportunities through allotments, community growing space and local markets. It includes access to local amenities shops
- Access to quality green and blue environments through parks, open green space, coastal and inland water spaces
- Community and neighbourhood development through good design as promoted by the Essex Design Guide including opportunities to support the integration of existing communities to new communities.
- Environmental sustainability during both the construction and operational phases of development
- Access to education, skills, training and employment
- Access to NHS healthcare services- Public Health work closely with NHS estates and infrastructure teams across the County

It is expected that the above principles are addressed through positive place-making and then assessed via a health impact assessment as per local planning authority policy. Health Impact Assessments (HIAs) are designed to highlight how the development will positively impact on health and wellbeing and allow for the early identification of potential unintended consequences. They also allow for the identification of groups that may be more at risk from the impacts of the development. HIA should align to the local health evidence base and relevant strategies in place. Mitigation may be sought from a developer should a HIA identify unintended impacts and will, therefore, be site specific.

It is advised that early contact is made with Planning and Public Health teams within local authorities to discuss the application proposed and local HIA requirements. Further information on HIA and healthier places can be found via the EDG website.

6.7. NHS healthcare

Following the enactment of the Health and Care Act 2022, the NHS, local councils (including ECC) and other key partners came together across areas covering all of England to develop proposals to improve health and care, with a new approach to set up Integrated Care Systems. They formed new Integrated Care Partnerships with Integrated Care Boards to govern the new ICS approach and run services in a more coordinated way, to agree system-wide priorities and to plan collectively how to improve residents' day-to-day health.

~~In 2016 the NHS and local councils came together in 44 areas covering all of England to develop proposals to improve health and care. They formed new partnerships—known as sustainability and transformation partnerships (STPs)—to run services in a more coordinated way, to agree system-wide priorities, and to plan collectively how to improve residents' day-to-day health.~~

There are three STPs/ICSs within across Essex:

- Mid and South Essex STP/ICS covers the local authority areas of Basildon, Braintree, Brentwood, Castle Point, Chelmsford, Maldon, Rochford, Southend and Thurrock.
- Hertfordshire and West Essex STP/ICS covers the Essex local authority areas of Epping Forest, Harlow and Uttlesford.
- Suffolk and North East Essex STP/ICS covers the Essex local authority areas of Tendring and Colchester.

Development growth will have a significant impact on the delivery of health care services across Essex. Although new models of care will see greater utilisation of existing public sector assets there remains a requirement to increase capacity by means of physical infrastructure, digital technology and clinical staffing levels.

In order to meet the needs of our future populations whilst making best use of existing assets one of the priorities of the NHS is to increase utilisation of existing infrastructure, which in some instances will see extension of operating hours and greater collaboration between providers. Whilst this may provide additional physical capacity, there will remain a gap in the availability of staff to provide services and digital technology to deliver new models of care.

To this end mitigation will be sought from new development for a range of uses and for a range of services to facilitate the delivery of appropriate levels of care across STPs/ICSs.

Traditionally developer mitigation from S106 /CIL was utilised to increase capacity within primary care, and in most instances resulted in a request for funding to increase physical infrastructure. The changing models of care and limited funding to deliver services for a growing and aging population will see a change in the use of mitigation, and funding may be utilised collectively within an acute setting to increase space or improve premises which are not within close vicinity of the development site but will be sited where residents of new development will be treated if/when necessary. Funds may also be used to fund one off costs to recruit and retain clinical personnel within the area, and for the benefit of the residents of

the development funds may also be sought to introduce or expand digital technologies which will in turn increase capacity within local services.

All discussion and negotiations for mitigation from development sites will be approached on an individual basis and via discussion with the Local Planning Authority to ensure that mitigation requests are in alignment with the NPPF.

NHS Commissioners work closely with Public Health to ensure ECC objectives align, and that in collaboration information and guidance can be provided to developers to consider health and wellbeing in design regardless of the size of the proposed development.

6.8. Emergency Services

Through the delivery of effective police, fire and ambulance services, the emergency services have an important role in helping to build safe communities in Essex. They have a responsibility to respond to emergency situations, but also hold a firm interest in preventing such incidents occurring.

We anticipate that requests for contributions are likely to be made to local planning authorities on a case by case basis, particularly when there are new developments of a significant scale. There are, however, early opportunities to build safe communities, through design and infrastructure provision. The information below is intended to remind developers of the benefits of engaging at early design stages to ensure that these opportunities are maximised, keeping the costs of community safety to a minimum.

Essex Police

The extensive planned expansion of housing, including the establishment of new Garden Communities, will have a significant impact on the demand for policing services. It is expected that increased revenue through an expanded council tax base will meet the costs of day to day resources, but this will not be sufficient to meet strategic needs, such as the expansion of the policing estate with appropriate 21st century facilities, such as custody suites and technology.

There are opportunities to consider land allocation and service supplies, as well as a strategic approach to crime prevention through the layout of housing and commercial development, which if considered at an early stage could reduce crime and enable the response to be efficient and effective.

Essex County Fire and Rescue

Adequate access from the public highway for fire fighting vehicles and equipment is essential in all developments. As well as ensuring suitable width, turning circles and distance for hoses to reach buildings, there is scope for new developments to have regard to influencing potential temporary blockers, such as inappropriately parked vehicles, which may hinder emergency access.

Access to infrastructure, such as water supply and power, is necessary for domestic and commercial buildings. In particular, consideration must be given to ensuring access to fire hydrants with adequate volume and pressure of water.

East of England Ambulance

Any significant expansion of housing and supporting community infrastructure services will have a significant impact on the Ambulance Service within that area and beyond eg specialist treatment. It is expected that the Ambulance Service will be able to access new funding to ensure that the appropriate response can be assured to new communities and not place an additional strain on current service levels. To deliver

the required response to the public adequate access from the public highway for blue light calls is essential in all developments. Due to the current reconfiguration of the EAST Ambulance Service Estate we would wish to have early discussions with developers with regards to the potential within developments to support new ambulance facilities where appropriate.

6.9. Public Art

Background.

Today it is now widely recognised that public art is an important factor in improving the aesthetics of our built environment, enhancing a sense of community and place, whilst also fostering community pride and ownership. All initiatives in the built environment can benefit from the skills and approach of an artist. These include

6.9.1.

Public Art has the ability to:

- Enhance the natural, built and historic built environment
- Increase social development - enabling people to investigate and celebrate local identity and/or issues, extending opportunities to participate and engage in culture through public art
- Assist in local economic development initiatives

Private developments have a major role to play in enhancing the environment for communities through the use of appropriate art work

6.9.2.

The contribution of development to public art.

Within the NPPF there is a requirement to include cultural wellbeing within the planning system; the contribution of Public Art in delivering cultural wellbeing has been identified with guidance documents.

To be most effective, artists should be engaged at an early stage in shaping any proposition for development and, certainly, in advance of the submission of a planning application.

To secure opportunities and funding for Public Art it is necessary for a Local Planning Authority to produce a long-term policy and strategy which identifies where, when, how and why public art will be delivered as part of specific development sites and as part of the development of a place as a whole. Details of the policy and strategy must be included within the local planning authority's Local Plan.

Large developments may be asked to contribute through Section 106 Agreements or funding from CIL sought where levies are in place. Contributions through Section 106 agreements may thus be considered on a case by case basis within each Local Planning Authority.

ECC will encourage all private sector developments to include the integration of art within their schemes. This can manifest itself in many forms such as:

- Large scale, three-dimensional artworks such as sculpture or environmental land art providing a focal point aiding navigation or enhancing an area's identity
- Integrated artwork, incorporated into the architecture or public realm

- Smaller scale, high impact projects including street furniture, which can make a contribution by the sensitive use of fencing, paving, railings, security screening, tree grills, lighting and bollards.
- New media, performances or audio works as part of temporary installations or events.

Place Services lead the delivery of ECC's Public Art Strategy to ensure the work and skills of artists feature in the structures and functioning of new development, either as part of an ECC funded programme, through liaison with Districts, City and Borough Councils, or by acting as expert consultants for privately funded development. As these arrangements range from district to district, early consultation is strongly recommended. Contact Place Services at www.placeservices.co.uk or email enquiries to enquiries@placeservices.co.uk.

Appendix A: Section 106 Agreement Template

Appendix B: Request for Planning Advice



For Community Infrastructure Enquiries only.

It is important that you complete all applicable sections to avoid any delay in processing of your request. The form asks for the minimum information required. In some cases, it may be beneficial to provide additional information.

Upon completion submit this form along with any accompanying information/plans and the correct fee to the Infrastructure Planning Team by e-mail to development.enquiry@essex.gov.uk

Applicant Details		Agent Details (if applicable) <i>Please note if this section is completed all correspondence will be sent to the Agent</i>	
Name:	Click here to enter text.	Name:	Click here to enter text.
Company:	Click here to enter text.	Company:	Click here to enter text.
Address:	Click here to enter text.	Address:	Click here to enter text.
Postcode:	Click here to enter text.	Postcode:	Click here to enter text.
Tel no:	Click here to enter text.	Tel no:	Click here to enter text.
Email:	Click here to enter text.	Email:	Click here to enter text.

Interest in property / land	Are you (your client) the only party with an interest in this property / land
Click here to enter text.	Yes <input type="checkbox"/> No <input type="checkbox"/>

Location of proposed development	Authority Area:
	Choose an item.
<i>If there is no postal address, please give a clear and accurate description of the site location, including the grid reference details and/or post code</i>	
Click here to enter text.	

Basic information regarding the proposal <i>Please provide an accurate, detailed description of the proposed development</i>					
Residential Development	<input type="checkbox"/>	Commercial Development	<input type="checkbox"/>	Other Development	<input type="checkbox"/>
Estimated number of qualifying houses:		Estimated number of qualifying flats:		Estimated number of discounted units:	
Site area :					
Description of the proposal <u>including site area and details of unit mix for residential:</u>					
Click here to enter text.					

Information Required <i>Please tick to confirm you have included the following information:</i>		Comment
Site Location Plan (at an appropriate scale)	<input type="checkbox"/>	Click here to enter text.
Block plan	<input type="checkbox"/>	Click here to enter text.
Other – Please state	<input type="checkbox"/>	Click here to enter text.
History of site, including previous applications	<input type="checkbox"/>	Click here to enter text.
Planning Statement	<input type="checkbox"/>	Click here to enter text.
Details of advice received already e.g. Planning advice	<input type="checkbox"/>	Click here to enter text.
Please indicate any additional information and supporting documentation that has been submitted for further clarification of proposals Click here to enter text.		

Pre-application charges for Community Infrastructure Advice (education et al)		
Payment can be made by phone (credit or debit card) or via BACS (details will be provided on request). Payments must include VAT.		
Advice type	Charge	Amount paid
Written pre-application advice	£160 + VAT	
*Attendance at a meeting	£87.55 per hour + VAT	
*Attendance by additional ECC officer(s) at a meeting to provide specialist advice	£87.55 per hour + VAT per officer	
Written advice following meeting	£160 + VAT	
Total payable to Essex County Council £ _____		

*[Virtual meetings are encouraged](#). Meetings held away from ECC premises at County Hall, Chelmsford will include travel time

Freedom of Information Act
<i>If you consider your proposals are required to be kept confidential, please set out the reasons why, for what period and the specific information that needs to remain confidential. The authority will advise whether it considers the information could be kept confidential. All information submitted will be handled in accordance with the Data Protection Act</i>
Click here to enter text.

Declaration

I confirm that to the best of my knowledge all of the information submitted herein is accurate and that planning advice is requested and have made the appropriate fee as payment for the service.

I also agree to pay any additional costs arising from the provision of the service as required, as outlined in the guidance note.

Signed:

Dated:

Please submit this form along with any accompanying information/plans by e-mail to development.enquiry@essex.gov.uk. Payment should be made separately as detailed above.

Appendix C: Education Site Suitability Checklist

Site Name & Address:	Postcode	
	Site Area (hectares)	

Please tick one column for each criterion. Supporting evidence must be provided for each answer as part of a Land Compliance Study. Please use the final column to signpost your evidence and any accompanying studies.

CRITERIA	Does Meet	Will Meet	Won't Meet	Evidence
<i>Is the land suitable for the construction of high quality education buildings and outside spaces?</i>				
Flat ground				
Broadly level (A gradient of 1 in 70, across the width, is ideal to assist water run-off from most pitches)				
At level with surrounding areas and in particular with suitable points of access (vehicular and pedestrian)				
Roughly rectangular in shape				
Sufficient width and length for size of an education facility				
At least 30cm of clean topsoil				
Free draining				
Standard trench fill / strip foundations can be used				
<i>Is the site appropriately located for a school / early years & childcare facility to be established? Accessible from suitable Highways (not a cul de sac) and safe direct walking & cycling routes</i>				
Centrally located to the overall development or area the school will serve				
Well located in relation to other neighbourhood facilities and public realm				
Not crossed by any public rights of way or access wayleaves				
Not liable to flooding				
Not crossed by or bounded by any power-lines				
Not crossed by and sufficiently distant from any gas mains				
Outside the cordon sanitaire of any sewage plant				
Free of items or structures of archaeological interest				
Free from protected species or habitats of special interest				
Site not part of a conservation area or subject to any special planning authority restrictions				

Is the site and surrounding area free of pollution, contamination and other risk factors?				
Free of soil and water table contamination				
Outside any current or proposed 55db LAeq (30min) noise source or contour				
Free from radiation or potential sources thereof				
Air quality standards are met				
Free from invasive plants such as Japanese Knotweed				
Not affected by ground gasses and vapours				
Not affected by potential sources of light pollution e.g. major roads, car parks or industry				

Is the site sufficiently distant from any land use that could cause public anxiety?				
Chemical or petro-chemical production or storage				
Establishments storing or handling live viruses				
Facilities housing or treating people with a history of violence or a threat to children				
Incinerators				
Sites currently or previously used for land fill or rubbish disposal				
Aviation or high speed transportation e.g. train lines or helipads				
Major roads or traffic honeypots e.g. large retail outlets				
Prisons or facilities for persons with a history of offending				
Phone or radio masts and transmitters				
High voltage power lines				
Firing ranges, premises storing live ordnance / ammunition or UXB sites				
Land or buildings with a use emitting a strong odour				
Quarries or other major sources of dust				
Premises housing dangerous animals, birds, reptiles or insects				

Is the site free from encumbrances that may need to be removed?				
Free of buildings and other surface structures				
There are no trees on or abutting the site				
Free of pipes, cables and the like				
Free of ponds, ditches or water courses				
Free from foundations, fuel tanks and other buried structures				
Free from spoil and fly tipping				
Free from filled spaces including mineral workings and land fill				
Free of void spaces including wells, sumps and pits				

If you have answered 'Will Meet' in relation to any criteria, please give details below or on a separate sheet.

Please give details of any current or proposed adjoining land use that may disrupt the normal functioning of a school or early years & childcare facility, detract from learning or place anyone associated with the establishment at risk.

Please give any other details you know about, that may make this land unsuitable for a school or early years & childcare facility or may add to the cost of building or establishing one on the site.

DECLARATION

I confirm that the information I have given represents full disclosure of the facts and I have taken all necessary steps to ensure it is accurate beyond reasonable doubt. Should any information become evident in the future, that may have altered the response I have given, I will bring these facts to Essex County Council's attention immediately.

SIGNED:

Print
Name

ON BEHALF OF:

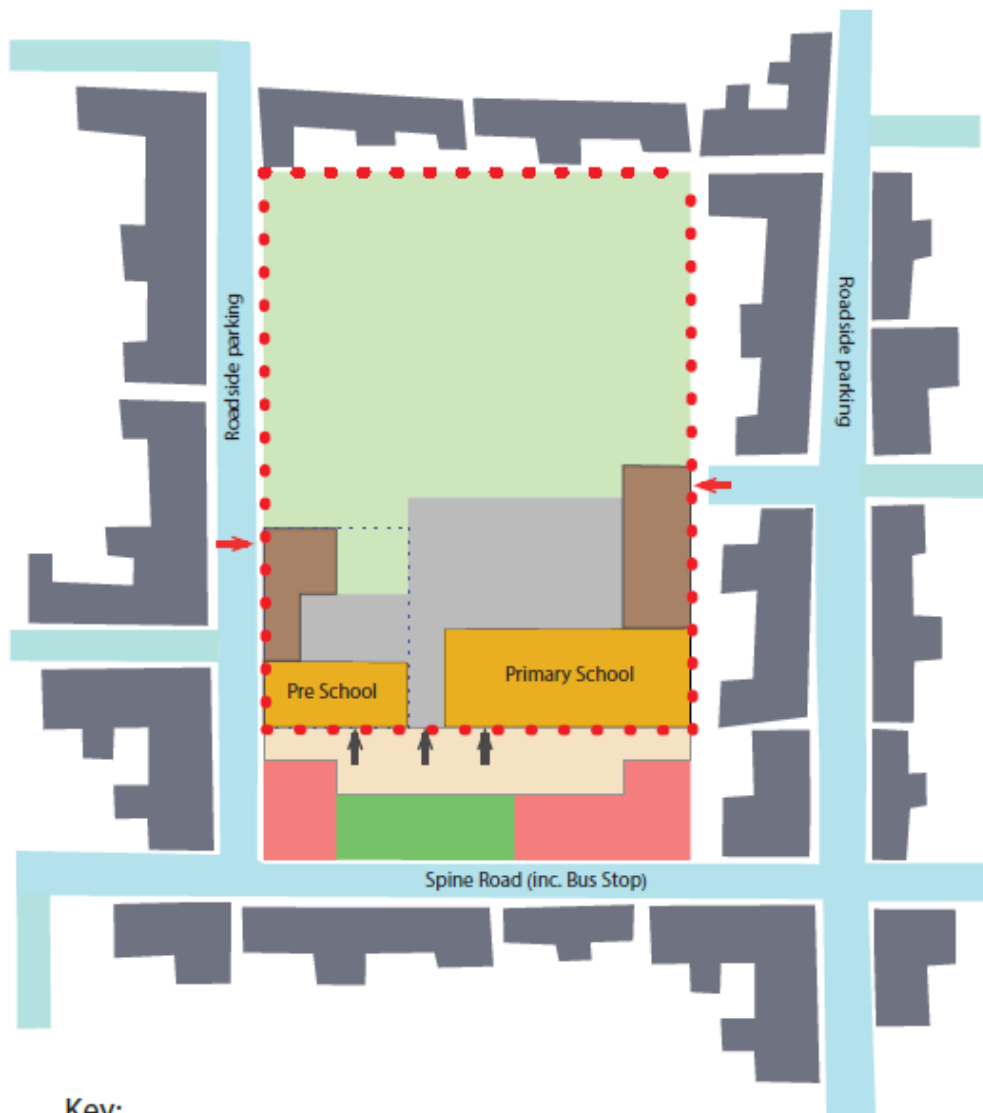
DATE:

Supporting Information














The developer is required to attach to the completed checklist a set of survey information listed below that have a transferable warranty that ESSEX COUNTY COUNCIL or our contractors can rely upon. It would be expected that the developer would already have much, if not all, of this information

- 1.** Ordnance Survey map or drawing and historical documents on previous use;
- 2.** Topographical Survey of area;
- 3.** Ground Conditions Study including local geology maps;
- 4.** Soil & Ground Water Contamination Study;
- 5.** Flood Risk Assessment, including Environment Agency flood zone designation;
- 6.** Habitat, Arboriculture and Ecology Study including site walkover report;
- 7.** Planning Policy documents including relevant planning history;
- 8.** Noise Assessment against criteria in DfE Building Bulletin 93 or equivalent;
- 9.** Air Quality Assessment including reference to Air Quality Management Areas;
- 10.** Partner organisation plans for area.

Appendix D: Exemplar Layouts for Education and Community Facilities















Key:

- | | |
|---|---|
|  Education Buildings |  Pedestrian Entrances to Schools |
|  School Pitches |  Vehicular Entrances to Schools |
|  Car Parking |  School Site Boundary |
|  Hardstanding Outdoor Play Areas |  Pre-School Site Boundary |
|  Housing |  Play Park |
|  Community/Mixed Use Buildings |  Road Network |
|  Pedestrian Square | |

*Not to scale



Key:

- | | | | |
|---|---------------------------------|---|---|
|  | Education Buildings |  | Pedestrian Entrances to Schools |
|  | School Pitches |  | Vehicular Entrances to Schools |
|  | Car Parking |  | School Site Boundary |
|  | Hardstanding Outdoor Play Areas |  | Pre-School + Primary School Site Boundary |
|  | Housing |  | Road Network |
|  | Community/Mixed Use Buildings | | |
|  | Pedestrian Square | | |

*Not to scale

Appendix E: Land Pre-Transfer Works Requirements

Pre Transfer Requirements

The site must provide suitable vehicular and pedestrian access for both construction and final use i.e.
Access to all parts of the site for investigation purposes
Usable vehicular/plant access suitable for construction and commissioning purposes
Adopted public highway with suitable vehicular access to service buildings
Separate suitable vehicular access to service the playing field
Access to both ends of the site for emergency purposes
Direct pedestrian access to facilitate 'safe routes to school'
<u>Substantial traffic free public realm around entrances used by pupils, which does not abut roads or parking</u>
<u>A safe pedestrian realm to which children can egress at the end of the school/pre-school day</u>
Traffic calming or 20mph speed limits on surrounding roads
Three metre wide footways surrounding and on major routes to the facility
Safe and direct cycle routes usable by the population to be served by the new facility
Nearby links into the public transport network

The development must provide suitable utility connections to the boundary including ...
Water*
Electricity*
Gas*
Telecommunications and broadband*
Foul sewers
Surface water drainage

The developer must include suitable boundary treatment including ...
Fence*
Gates
Screening from overlooking
Planting

Appendix F: Early Years & Childcare Facility Specification

Note: Rooms should be designed to enable potential providers to offer flexible childcare including out of school and holiday care

56 place Day Nursery Facility Requirements	Places	M²
<u>Play Space for 0-2 year olds</u>	12	
Play Space (3.5m ² of area per child)		42
Milk preparation area		6
1 child's assisted toilet + baby change area		9
Defined sleep area – 12m ² included within play space allowance. This needs to be a flexible space that is conducive to sleep but does not have to be a separate room.		
<u>Play Space for 2-3 year olds</u>	20	
Play Space (2.5m ² of area per child)		50
2 children's assisted toilets + baby change area		9
<u>Play Space for 3-4 year olds</u>	24	
Play Space (2.3m ² of area per child)		55
2 children's assisted toilets		6
<u>Other facilities</u>		
Laundry room - incl. washing machine and tumble dryer. White goods to be provided by the provider but space and power points need to be included within the design		6
Kitchen area required. Provider to provide the white goods but power and drainage to be included in the design to enable meals to be prepared for 0-5's and after school children.		15
Staff room / 1 to 1 meeting room		12
Accessible WC		4
Staff toilet (unisex). Additional toilets are not always required but are dependent upon the number of staff employed.		3
Reception area / drop in		15

56 place Day Nursery Facility Requirements	Places	M²
Reception/Manager's office with additional hot desk space		10
General Store		10
Cleaner's Store		3
SUB TOTAL		255
Plant room @ 3% of Sub Total		8
Internal walls @ 4% of Sub Total		10
Circulation @ 15% of Sub Total		51
GROSS INTERNAL FLOOR AREA		324
Outside covered buggy park area		10
Outdoor play (5m ² per child) – as natural as possible and with covered outside area preferably not north facing		280
Service area and parking - 10-15 spaces would be best practice plus safe drop-off points for parents		300
OUTDOOR AREA		590
TOTAL SITE AREA REQUIRED	56	914

Appendix G: ADEPT guidance on maintenance costs

The ADEPT guidance document which dates from 2007, suggests a long term interest rate of 4.5% and a value for the RPI-X of 2.25% (that is RPI excluding mortgage payments) giving an effective annual interest rate of 2.2%.

The ADEPT guidance suggests “there should not be any requirement to calculate any ‘degree of benefit’ to the local authority in respect of commuted sums for Section 278 works, even where such works are considered to provide some benefit to the general public (e.g. an improved junction layout with enhanced pedestrian facilities being provided).”

Calculation of Commuted Sum

The following formula should be used to calculate the sum payable. An Excel spreadsheet to aid in the calculation has been developed and is available for modification to specific situations.

Commuted sum = $\sum Mp / (1 + D/100)^T$, where:

Mp = Estimated periodic maintenance cost (£)

Each asset type will have a number of different periodic maintenance activities, as well as periodic replacement where necessary. The current cost of each activity (or replacement) should be based on current contract rates, or historic information where more appropriate.

The cost should include elements for inspection, design of repair, supervision, and even relocation of the asset in some instances. The frequency of periodic maintenance (or replacement) should be in accordance with current Highway Authority policy.

D = Discount rate (effective annual interest rate) (%)

This is calculated to ensure that both the interest earned on the commuted sum, and the effects of inflation are taken into account. The calculation is:

All calculations here are based upon 15 years, 30 years or 60 years of maintenance depending on the asset going forward and are calculated for areas dedicated as Highway, maintainable at public expense, which ECC would use to pay various contractors, including the district councils, to maintain the appropriate assets. The intention would not be for Essex Highways to transfer land from ECC to the District Council.

Attached below is a standard worked example for one asset chosen at random. The method to calculate sums for other assets is identical: -

Infiltration Trenches

Weed killing, cleansing & re-stoning / replacement = 80p every year + £6.64 every 10 years

(80p = 60p regular + 20p monitoring from Science Report 2007)

Discount rate (effective annual interest rate) $D = (1.0337/1.023) - 1 = 1.0459\%$

where 1.0337 is the interest rate (3.37% based on November 2014 Public Work Loan Board (PWLB) current fixed long-term neutral base rate)

and 1.023 is the inflation rate (2.3% based on November 2014 RPI).

Future Values below = $\text{£}0.80 / (1+D/100)^{NT}$

Infiltration Trenches (annual maintenance), (per sq.m) Labour				
Price	n	NT	Future Value	
0.80	1	1	0.79	2016
0.80	2	2	0.78	2017
0.80	3	3	0.78	2018
0.80	4	4	0.77	2019
0.80	5	5	0.76	2020
0.80	6	6	0.75	2021
0.80	7	7	0.74	2022
0.80	8	8	0.74	2023
0.80	9	9	0.73	2024
0.80	10	10	0.72	2025
0.80	11	11	0.71	2026
0.80	12	12	0.71	2027
0.80	13	13	0.70	2028
0.80	14	14	0.69	2029
0.80	15	15	0.68	2030
0.80	16	16	0.68	2031
0.80	17	17	0.67	2032
0.80	18	18	0.66	2033
0.80	19	19	0.66	2034
0.80	20	20	0.65	2035
0.80	21	21	0.64	2036
0.80	22	22	0.64	2037
0.80	23	23	0.63	2038
0.80	24	24	0.62	2039
0.80	25	25	0.62	2040
0.80	26	26	0.61	2041
0.80	27	27	0.60	2042
0.80	28	28	0.60	30 years
0.80	29	29	0.59	Total
0.80	30	30	0.59	20.51

Future Values below = £6.64 / (1+D/100)^{NT}

Infiltration Trenches, maintenance every 10 years				
Price	n	NT	Future Value	
6.64	1	10	5.98	30 years
6.64	2	20	5.39	Total
6.64	3	30	4.86	16.24

Total for 30 years of Maintenance = 20.51 + 16.24 = 36.74 per square metre

Appendix H: Standard Commuted Sums for Maintenance (April 2017)

Material or feature	Unit	Operation	Cost per cycle (£)
Extra-over Areas			
Extra-over areas not required for highway purposes (Project Engineer to determine)	Sq. m	1 weedkilling & sweep per year, 1/3rd replacement	25.51
Roads			
Granite setts to road hump, roundabout & speed control bend overrun areas	Sq. m	Replacement of individual blocks or kerbs at years 7 & 14	341.28
Tegular blocks to road hump / table	per linear metre (based on 1.8m length hump/table)	Replacement of individual blocks or kerbs at years 7 & 14	76.69
Drainage			
Permeable Paving Blocks (10% replacement at Year 30)	Sq. m	Weedkilling, cleansing, 10% replacement	40.35
Swales	Sq. m	Cutting, weedkilling & cleansing	15.26
Filter Drains / Infiltration Trenches	Sq. m	Weedkilling, cleansing & re-stoning / replacement	30.75
Other Sustainable Urban Drainage Systems (SUDS) or non-standard elements	Site-specific calculation		
Hydrobrake (evidence of replacement timescale required from developer)	Item	Maintenance - £62.72 cleanse every 2 years - replaced at year 30	2,626.06

Material or feature	Unit	Operation	Cost per cycle (£)
Soakaway	Item	Inspection, £94.09 cleanse every 2 years, re-stoning / replacement at year 30	4,950.02
Crate Soakaway (upto 2m deep)	Sq. m	Inspection, jet every 2 years & rejuvenate at year 30	211.34
Petrol & Oil Interceptors	Item	Inspection, specialised cleansing, disposal of contaminated waste, maintenance	2,777.67
Combined kerb & drainage systems - 'beany blocks'	Linear metre	Maintenance (enhanced cleansing regime required - every 8 months)	54.43
Oversize pipes	Linear metre	Cleaning over 15 years	388.32
Pavements (footways, cycleways & cycletracks)			
Non standard Surface Dressing (note - in excess of footway rate)	Sq. m	Re-applying at year 12	49.13
Coloured asphalt	Sq. m	Re-applying at year 15	23.01
Street Lighting (All columns must conform to ECC requirements under BSEN40, however embellishment kits are allowed to be attached to columns)			

Material or feature	Unit	Operation	Cost per cycle (£)
Non-standard Lanterns and/or painted columns	Site specific calculation	General maintenance, lantern changes, overhaul of switch gear & column repaint where appropriate	Contact Street Lighting Team on 01245 342711
Traffic Signals & Controlled Crossings			
Zebra crossing	per pair of Beacons	Cost of energy & maintenance (ensure surface course has high PSV to eliminate need for high friction surfacing)	4,733.60
Other signalised junctions & crossings	Site specific calculation	Inspection costs, general maintenance, energy consumption & communications costs	Contact ITS on 01245 342790
Public Transport (ONLY UPON DEVELOPMENT)			
Bus Shelters - Wooden Framed - standard 2 bay enclosed shelter	Item	Cleansing, maintenance & cost of energy	2,885.82
Bus Shelters - metal framed 2 bay	Item	Cleansing, maintenance & 1 replacement at Year 15	8,700.23
Bus Shelters - metal framed 3 bay	Item	Cleansing, maintenance & 1 replacement at Year 15	9,213.13
Bus shelter maintenance monies to be passed onto those who are maintaining feature which may be the Parish Council			

Material or feature	Unit	Operation	Cost per cycle (£)
Real time passenger information, bus gates, VMS, CCTV	Site specific calculation	General maintenance & cost of energy	Contact Passenger Transport Team
RTI Display	Item	Maintenance and cost of energy + 1 replacement at 15 years	10,845.09
Structures			
Extra-over or enhancements upon standard structure. Includes bridge, culvert, tunnel, retaining wall, headwall, high mast or barrier, gantry, canopy, basement or water attenuation structure	Site specific calculation	Inspection costs, general maintenance, energy consumption & communications costs for 60 years	Contact relevant Project Engineer
Signs or Bollards			
Extra-over or enhancements upon standard sign or bollard	Item	Cleansing, maintenance & 1 replacement	518.85
Fencing			
Knee rail, or timber post & 3 rail fencing	Linear metre	Replacement	65.69
Noise attenuation barrier	Sq.m	Replacement at 15 years	93.29
Trees, Planting			
Tree in soft landscaping	Item	General maintenance	356.02
Tree with grills, pit or watering system, generally in hard landscaping	Item	General maintenance & 1 replacement of grills	538.47
Shrub/ground cover planting (Landscaping) or plantation screening	Sq. m	General maintenance, £1.19 per year	16.43

Material or feature	Unit	Operation	Cost cycle (£) per
Hedges	Linear metre	General maintenance, £1.98 per year	27.33
Grass Cutting	Sq.m		2.76
Street Furniture			
Enhanced cycle racks, street art if not licenced, etc.	Site specific calculation	Cleansing, maintenance & replacement	
Grit Bins	Item	£48.66 of grit per year & replacement at year 15	827.31
MISC			
Brickwork.	Sq.m	Replacement at 15 years	33.87
Continuous line in yellow single	Linear m	Replacement at year 5,10 and 15	2.41
Continuous line in yellow double	Linear m	Replacement at year 5,10 and 15	4.89

Appendix I: Smarter Travel for Essex Network

Travel Plan Accreditation Scheme

Join other organisations within the Smarter Travel for Essex Network (STEN) to promote active and sustainable travel to your employees. ECC offer bespoke support, free of charge ~~competitive prices~~ to organisations with, including:

- car park management issues
- making alternative travel modes an attractive option for employees
- entry into a National Accreditation Scheme

For more information contact the travelplanteam@essex.gov.uk ~~or call 0345 743 0430.~~

Appendix J: Protecting Biodiversity

Good developments incorporate biodiversity considerations early in their design but can still result in some biodiversity loss when there are unavoidable impacts, which can't be resolved by design or location, or mitigated by other measures. Current planning policy for biodiversity is set out in Chapter 15 of the National Planning Policy Framework (NPPF) 2019.

This appendix sets out some additional clarification points in relation to Biodiversity Net Gain, as set out in '6.3.2 Mechanisms for achieving Biodiversity Net Gain'.

- Biodiversity Net gain does not replace existing environmental legislation or policy requirements.
- Where ecologically appropriate to do so, enhancing an irreplaceable habitat in poor condition could count towards the delivery of a Biodiversity Net Gain outcome
- Suitable Alternative Natural Greenspaces (SANGs) and other habitat provided as part of strategic solutions for Natura 2000 (Habitats) sites can be used as biodiversity offset locations as long as the uplift in biodiversity value generated does not undermine their original design principles and their principal purpose. For example, a SANG provided to deflect people and pets from visiting a Special Protection Area.
- The biodiversity unit value of such sites can only be included for the project for which it is providing mitigation. If the site is being delivered to meet the Habitat Regulations mitigation requirements of another project the biodiversity unit value of the site cannot be included.
- Ideally for developers and LPAs, Natura 2000 strategic solutions would work alongside strategic licensing and biodiversity net gain in a combined approach to deliver for the natural environment in a place.
- Net gain can contribute both towards the creation of new sites and the enhancement of existing sites to develop a Nature Recovery Network, which is a key action in any 25 Year Environment Plan.

Appendix K: Site characteristics profile for housing for older people and adults with learning disabilities

Site characteristics profile for housing for older people and adults with learning disabilities.

Characteristic	Specialist housing with care for older people
Size (acres)	Dependent on no of units and storeys.
Building storey heights	Buildings over one storey will require lifts.
Location/ setting	Close to town centre. Ideally schemes would be in a large town or large village in close proximity to public transport links to access a larger urban centre.
Transport	Good access to transport
Local amenity	Good access to amenities
Green space	Communal private green space
Parking	Visitor parking
Security	By design
No of units	60 - 300
What	Self-contained flats or town houses. A blend of 1 and 2 bedroom units. All units to have en-suite bathroom, living room with sufficient space for a dining table, kitchen.
Other accommodation	Staff accommodation (sleeping quarters and lounge), space for overnight visitors, communal social facilities.

Appendix L: Employment and Skills

Appendix L1

Table providing Construction (Development) Phase Benchmarks

Development value in £Millions	Apprenticeships	School/College Engagement (number of days)	Work Experience 16-18 (Number of people)
3.5 - 6	2	2	5
6 - 10	3	4	8
10 - 20	4	6	8
20 - 30	7	7	13
30 - 40	9	9	14
40 - 50	11	10	16
50 - 60	13	11	17
60 - 70	14	12	18
70 - 80	14	12	19
80 - 90	15	13	19
90 - 100	16	14	21

Appendix L2

Table outlining the rate and means of calculating, where accepted by ECC [and the LPA](#), a contribution in lieu provided for agreed obligation(s) that are not met.

Obligation – Construction Phase	Rate/means of calculation
Apprenticeships: Provision of new construction apprenticeships for Essex residents	Shortfall against target number of apprenticeship starts \times £26,000 ⁸ average net cost to employers in delivering an apprenticeship at Level 2 and 3

⁸ Hogarth, T., Gambin, L., Winterbotham, M., Koerbitz, C., Hasluck, C., Baldauf, B. (2012) Employer Investment in Apprenticeships and Workplace Learning: The Fifth Net Benefits to Employers Study,

Obligation – Construction Phase	Rate/means of calculation
<p>School and College Engagement. ECC will expect developers to engage with local schools and colleges and support them to promote the achievement of the skills and qualifications needed for employment in the construction and built environment sectors of the development phase.</p>	<p>Shortfall against target number of days activities</p> <p style="text-align: center;">X</p> <p>Average. cost of arranging 1 meaningful encounter. £1,472⁹</p>
<p>Work Experience</p> <p>ECC expects developers, or their supply chains, to support local (Essex based) residents with real-life experiences of work by providing work experience of at least 1 week.</p>	<p>Shortfall against target number of placements</p> <p style="text-align: center;">X</p> <p>£8,272 average cost of a work experience placement</p>
Obligation – End-use	Rate/means of calculation
<p>Supported Employment</p> <p>Provision of employment opportunities which have appropriate support to make them suitable for long-term unemployed Essex residents</p>	<p>Shortfall against target number of supported employment opportunities (target: 1 paid job placement for every 2,500sqm of development)</p> <p style="text-align: center;">X</p> <p>£8,217 average cost per paid job outcome for employment support services for people with learning disabilities and/or mental health problems¹⁰</p>

London: Department for Business Innovation and Skills, Research Report 67 - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/32306/12-814-employer-investment-in-apprenticeships-fifth-net-benefits-study.pdf

⁹ PWC, Assessing Benchmarks of Good Practice in School Career Guidance (Appendix 3, using School B estimated costs as this best reflects the average profile of an Essex secondary school) <https://www.gatsby.org.uk/uploads/education/reports/pdf/pwc-assessing-benchmarks-of-good-practice-in-school-career-guidance.pdf>

¹⁰ National Development Team for Inclusion.

https://www.ndti.org.uk/uploads/files/The_cost_effectiveness_of_Employment_Support_for_People_with_Disabilities%2C_NDTI%2C_March_2014_final_v2.pdf

Obligation – Construction Phase	Rate/means of calculation
<p>Pre-employment</p> <p>Provision for notification of job vacancies, arising from both the construction and end-use occupation, to the Council or any other agency nominated by the Council.</p> <p>Provision for delivery of bespoke pre-employment and skills training for Essex residents that will provide them with the skills to access the jobs that are being created.</p>	<p>The same method of calculation will be used for both obligations :</p> <p>Number of apprenticeships (Appendix L1) and jobs estimated to be created (outlined in Appendix L3) during construction and end-use phases during the first two years</p> <p style="text-align: center;">X</p> <p>79%¹¹ of Essex residents expected to be employed as part of the workforce</p> <p style="text-align: center;">X</p> <p>27.7% of Essex residents with qualifications equivalent to or less than NVQ1 requiring training and/or support</p> <p style="text-align: center;">X</p> <p>£2,000 average cost for Essex unemployed resident in terms of support and training to obtain access to a skilled job.</p>

¹¹ 2010 Census, Percentage of people who work in Essex also live in Essex.

Appendix L3

**Development Phase
Employment and Skills Plan for:**
Insert development name
Insert Borough / District Council

1	<u>Introduction</u>					
	<p><u>Insert developer name</u> commits to discharge its S106 obligations in relation to Employment and Skills in respect of the development <u>Insert development name</u>.</p> <p>This Employment and Skills Plan provides details of how <u>Insert developer name</u> will meet the priorities of the Council and deliver against S106 obligations in relation to Employment and Skills at <u>Insert development name</u>.</p>					
2	<u>Development Details</u>					
	<u>Insert development description (from planning agreement)</u>					
	<u>Planning Ref</u>					
	<u>Planned implementation date (construction phase):</u>					
	<u>Planned completion date (construction phase):</u>					
	<u>Number of residential units</u>					
	<u>Unit Mix (Nos)</u>	<u>1 bed Flat</u>	<u>2 bed Flat</u>	<u>2 bed House</u>	<u>3 bed House</u>	<u>4/5 bed House</u>
	<u>Gross internal area (residential)</u>					
	<u>Gross internal area (commercial)</u>					
	<u>Use Class(es) (commercial)</u>					
	<u>Total build value</u>	£				
3	<u>Obligation Summary</u>					
	<ul style="list-style-type: none"> • <u>New construction apprenticeships</u> • <u>School/college engagement activities or events (Days)</u> • <u>Work placements 16+</u> • <u>Supported employment opportunities</u> • <u>Pre-employment opportunities</u> • <u>Notification of job vacancies</u> 					

4	<p><u>Nominated Coordinator & Project Lead</u></p> <p><u>Insert developer name will identify a Relationship Manager, responsible for co-ordinating the delivery of employment and skills outcomes during the development phase.</u></p> <p><u>The Relationship Manager will:</u></p> <p><u>Work directly with the Council (or the Council’s nominated employment vehicle) to ensure delivery of all obligations relating to the development as required through S106 planning agreement</u></p> <ul style="list-style-type: none"> • <u>Act as the operational point of contact on the development with operational oversight of the obligations, including submission of monthly and/or quarterly performance reports as required through S106 planning agreement</u> • <u>Engage with contractors from the tender period onwards to ensure they have an understanding of, and adhere fully to the Employment and Skills Plan requirements</u> • <u>Meet regularly with the Council to discuss progress towards targets, future activities and labour needs.</u> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><u>Relationship Manager Name</u></td> <td></td> </tr> <tr> <td><u>Relationship Manager Job Title</u></td> <td></td> </tr> <tr> <td><u>Relationship Manager Contact Details (Tel/Email)</u></td> <td></td> </tr> </table> <p><u>Insert developer name will also identify a Project Director (PD), with overall responsibility for delivery of employment and skills outcomes during the construction phase.</u></p> <p><u>The Project Lead/Director will:</u></p> <ul style="list-style-type: none"> • <u>Ensure all adequate provisions are in place to fully support the delivery of employment and skills outcomes as required through S106 planning agreement</u> • <u>Ensure that targets are contractually passed on to sub-contractors</u> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><u>Project Director Name</u></td> <td></td> </tr> <tr> <td><u>PD Job Title</u></td> <td></td> </tr> <tr> <td><u>PD Contact Details (Tel/Email)</u></td> <td></td> </tr> </table>	<u>Relationship Manager Name</u>		<u>Relationship Manager Job Title</u>		<u>Relationship Manager Contact Details (Tel/Email)</u>		<u>Project Director Name</u>		<u>PD Job Title</u>		<u>PD Contact Details (Tel/Email)</u>	
<u>Relationship Manager Name</u>													
<u>Relationship Manager Job Title</u>													
<u>Relationship Manager Contact Details (Tel/Email)</u>													
<u>Project Director Name</u>													
<u>PD Job Title</u>													
<u>PD Contact Details (Tel/Email)</u>													

5	Construction Phase Outcomes							
	<u>Outcome</u>	<u>Year 1 Q1/2</u>	<u>Year 1 Q3/4</u>	<u>Year 2 Q1/2</u>	<u>Year 2 Q3/4</u>	<u>Total</u>	<u>Estimated financial cost</u>	
	1	<u>New construction apprenticeships</u>						
	2	<u>School/college engagement</u>						
	3	<u>Work placements 16+</u>						
	4	<u>Supported employment opportunities</u>						
	5	<u>Pre-employment opportunities</u>						
	6	<u>Notification of job vacancies</u>						
6	Work Experience Information							
	Please identify below potential work area and proposed timelines for delivery of agreed work experience opportunities							
	<u>Work Experience Opportunity</u>			<u>Number</u>		<u>Anticipated Start Date</u>		
7	Apprenticeship Information							
	Please complete the table below, detailing the anticipated trades and timelines for profiled apprenticeship starts over the lifetime of the build							
	<u>Apprenticeship Standard</u>		<u>Level</u>	<u>Number(s)</u>	<u>Anticipated Start Date</u>	<u>Anticipated Completion</u>		
8	School/College Activities							
	Please complete the table below, detailing the anticipated activity and school beneficiary over the lifetime of the build							
	<u>Essex School/College</u>		<u>Activity Description</u>			<u>Anticipated Number of beneficiaries</u>		<u>Anticipated Start Date</u>

9	<p><u>Pre and Supported Employment</u></p> <p>Please complete the table below, detailing the anticipated pre and supported opportunities over the lifetime of the build</p> <table border="1"> <thead> <tr> <th><u>Opportunity</u></th> <th><u>Training</u></th> <th><u>Anticipated Start Date</u></th> </tr> </thead> <tbody> <tr> <td><i>e.g. Labourers, traffic marshall</i></td> <td><i>e.g. CSCS, CPCS, Traffic Marshall</i></td> <td></td> </tr> <tr> <td><i>e.g. Site security, facilities</i></td> <td><i>e.g. CSCS, SIA</i></td> <td></td> </tr> </tbody> </table>			<u>Opportunity</u>	<u>Training</u>	<u>Anticipated Start Date</u>	<i>e.g. Labourers, traffic marshall</i>	<i>e.g. CSCS, CPCS, Traffic Marshall</i>		<i>e.g. Site security, facilities</i>	<i>e.g. CSCS, SIA</i>	
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10	<p><u>Financial Contributions</u></p> <p>An example of a figure that could be used to calculate the financial contribution for employment and skills is £2000 per 1000 sqm floorspace. £2,000 is the average cost for an out-of-work Essex resident in terms of support and training to obtain access to a skilled job.</p>											
11	<p><u>Delivery Methodology</u></p> <p>Please briefly outline the activity you will undertake to deliver the targets detailed above, including but not limited to:</p> <ul style="list-style-type: none"> • <u>Contractor/sub-contractor engagement and monitoring</u> • <u>Advertisement of opportunities and pre/supported employment opportunities (e.g. JobcentrePlus, Prince's Trust)</u> • <u>Engagement with organisations for sourcing and training of local people e.g. JobcentrePlus, housing associations, employment and training providers, ATAs, FE and HE establishment</u> • <u>Outreach engagement (e.g. MATs, Schools, Federations)</u> 											
12	<p><u>Monitoring and Reporting</u></p> <p>Quarterly review meetings will be held between <i>Insert developer name</i> and the Council to review progress against targets within this ESP and any other matters arising. If underperformance is identified, more frequent meetings may be required to address this. A schedule of monitoring, outcome definitions and evidence requirements will be agreed.</p> <p>The primary requirement in relation to the undertaking of reasonable endeavours is consistent, responsive and regular communication with the Council in relation to achievement of the obligations within this Employment and Skills Plan.</p> <p>Reasonable endeavours would also include:</p> <ul style="list-style-type: none"> • <u>Attendance at meetings to discuss progress towards targets and ongoing commitment to deliver maximum benefit for local people in line with S106 planning agreement</u> • <u>Timely advertisement of appropriate numbers of opportunities required to meet targets e.g. new apprenticeship opportunities for local people;</u> 											

	<ul style="list-style-type: none">• Early engagement with partner organisations in order to enable pre/supported employment opportunities.• Timely and accurate submission of all required documents including, monitoring information and provision of evidence on request;
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End-use Phase
Employment and Skills Plan for:
Insert development name
Insert Borough / District Council

1	<u>Introduction</u>													
	<p><u>Insert landowner name</u> commits to discharge its S106 obligations in relation to Employment and Skills in respect of the development <u>Insert development name</u>.</p> <p>This Employment and Skills Plan provides details of how <u>insert landowner name</u> will meet the priorities of the <u>insert Borough/Council</u> and deliver against S106 obligations in relation to Employment and Skills at <u>Insert development name</u>.</p>													
2	<u>Development Details</u>													
	<p><u>Insert development description (from planning agreement)</u></p> <table border="1"> <tr> <td><u>Planning Ref</u></td> <td></td> </tr> <tr> <td><u>Planned occupation date</u></td> <td></td> </tr> <tr> <td><u>Gross internal area (residential)</u></td> <td></td> </tr> <tr> <td><u>Gross internal area (commercial)</u></td> <td></td> </tr> <tr> <td><u>Use Class(es) (commercial)</u></td> <td><u>Eg, B1A Call Centre, A2 Financial and professional Services</u></td> </tr> <tr> <td><u>Total build value</u></td> <td><u>£</u></td> </tr> </table>		<u>Planning Ref</u>		<u>Planned occupation date</u>		<u>Gross internal area (residential)</u>		<u>Gross internal area (commercial)</u>		<u>Use Class(es) (commercial)</u>	<u>Eg, B1A Call Centre, A2 Financial and professional Services</u>	<u>Total build value</u>	<u>£</u>
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<u>Total build value</u>	<u>£</u>													
3	<u>Obligation Summary</u>													
	<ul style="list-style-type: none"> • <u>Pre-employment</u> • <u>Supported employment</u> • <u>Notification of job vacancies</u> 													
4	<u>Nominated Coordinator & Project Lead</u>													
	<p><u>Insert landowner name</u> will identify a Workplace Co-ordinator (WPC), operationally responsible for co-ordinating the delivery of employment and skills outcomes during the occupation phase.</p> <table border="1"> <tr> <td><u>Workplace Co-Ordinator Name</u></td> <td></td> </tr> <tr> <td><u>WPC Job Title</u></td> <td></td> </tr> <tr> <td><u>WPC Contact Details (Tel/Email)</u></td> <td></td> </tr> </table> <p><u>The Workplace Coordinator will:</u></p> <ul style="list-style-type: none"> • <u>Work directly with X Borough or District Council (or the Council's nominated employment vehicle) to ensure delivery of all obligations relating to the development as required through S106 planning agreement</u> 		<u>Workplace Co-Ordinator Name</u>		<u>WPC Job Title</u>		<u>WPC Contact Details (Tel/Email)</u>							
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<u>WPC Job Title</u>														
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	<ul style="list-style-type: none"> • <u>Act as the operational point of contact on the development with operational oversight of the obligations, including submission of monthly and/or quarterly performance reports as required through S106 planning agreement</u> • <u>Engage with managing agents/tenants/commercial occupiers from the tender period onwards to ensure they have an understanding of, and adhere fully to the Employment and Skills Plan requirements</u> • <u>Meet regularly with the Council to discuss progress towards targets, future activities and labour needs.</u> 																												
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- Early engagement with partner organisations in order to enable pre/supported employment opportunities.
- Timely and accurate submission of all required documents including, monitoring information and provision of evidence on request

Table of employment densities

	Use Class	Use Type	Area per FTE (m ²)	Floor Area Basis	Comment on potential variation
Industrial					
1	B2	General	36	GIA	Range of 18 - 60 m ²
2	B1(c)	Light Industry (Business Park)	47	NIA	
Warehouse & Distribution					
3	B8	General	70	GEA	Range of 25 - 115 m ² The higher the capital intensity of the business, the lower the employment density
4	B8	Large Scale and High Bay Warehousing	80	GEA	Wide variations exist arising from scale and storage duration
Office					
5	B1(a)	General Office	12	NIA	Includes HQ, Admin and 'Client Facing' office types
6	B1(a)	Call Centres	8	NIA	
7	B1(a)	IT/ Data Centres	47	NIA	
8	B1(a)	Business Park	10	NIA	A blended rate of the above B1(a) uses where they are found in out of town business park locations
9	B1(a)	Serviced Office	10	NIA	Densities within separately let units are c.7 m ² per workstation but 30% of a facility's total NIA for shared services reduces the overall density
Retail					
10	A1	High Street	19	NIA	Town/ City Centre
11	A1	Food Superstores	17	NIA	
12	A1	Other Superstores/ Retail Warehouses	90	NIA	
13	A2	Financial & Professional Services	16	NIA	Includes the back office function area as well as the customer facing areas
14	A3	Restaurants & Cafes	18	NIA	Range of 10 - 30 m ²
Leisure & Visitor Attractions					
15	C1	Budget Hotels	1 employee per 3 bedrooms plus casual staff		
16	C1	General Hotels (3 star)	1 employee per 2 bedrooms		
17	C1	4/ 5 Star Hotels	1 employee per 1.25 bedrooms		
18	D1	Cultural Attractions	36	GIA	Very wide range exists, so use with caution. Excludes external areas
19	D2	Cinemas	90	GIA	Range of 90 - 120 m ²
20	D2*	Amusement & Entertainment Centres	70	GIA	Range of 40 - 100 m ² - excludes external areas
21	D2	Sports centres and Private Clubs	65	GIA	Range of 30 - 100 m ²

*some 'Sui Generis' Use Classes are applicable for this Use Type. See Appendix 5 for a list of Sui Generis uses.

Appendix L4

Example of monetary calculation for B1 office space commercial development

- B1 (net) Gross Internal Area (GIA) / 12sqm per full-time equivalent job

~~(based on standard general office density)~~

~~×~~

~~• 79% of Essex residents expected to be employed as part of the workforce~~

~~×~~

~~• 27.7% of Essex residents with qualifications equivalent to or less than NVQ1 requiring training and/or support~~

~~×~~

~~• £2,000 average cost for an out-of-work Essex resident in terms of support and training to obtain access to a skilled job.~~

Appendix M: Additional Guidance for Developers on Passenger transport requirements

Introduction

1. This Guide Appendix is intended to demonstrate the requirements for road passenger transport provision in new developments in the County. It is intended for use by officers of Essex County and other councils, commercial passenger transport service operators and developers.
2. All development plans will be expected to include provision for the sustainable transport needs of the sites users or residents, in accordance with the Essex and Southend on Sea Replacement Structure Plan (RSP) and the Essex Local Transport Plan (LTP). In the case of any but the smallest proposals, account should be taken of the impact of the development on the area around the site.
3. The County Council will normally look to secure the provision of the required services and facilities through a financial contribution, under the provisions of Section 106 of the Town and Country Planning Act 1990.
4. It is important that those using this document are aware that the conditions applied to any particular development may vary from the general guidance it contains. Essex County Council will exercise judgement based on predicted demands, plus the relative performance of local public transport networks and the outline below represents only the typical requirements for schemes requiring dedicated provision.
5. NB. All planning decisions, consents and conditions are subject to the adopted plans of the relevant authorities, legislation and planning guidance current at the time.

General Provisions

Service Support

1. Where considered necessary a clause will be incorporated into the conditions of planning consent requiring the developer to secure the provision and effective operation of public passenger transport services to meet the transportation needs of the development. This will stipulate the minimum operating periods, frequency and destinations of service(s) to be provided, and the period during which the developer will be responsible for this provision.
2. Where the provision of the 1985, 2000 and 2008 Transport Acts and the Buses Act 2017 allow and with the proviso that the service(s) provided meet(s) the required standards (as outlined below), the developer may be asked to :
 - Undertake to provide such service(s) directly by agreement with a local transport operator or;
 - Make an agreed financial contribution to the County Council to allow it to provide the service(s) concerned

3. Developers should be aware that the 1985 Transport Act (as amended) requires the County Council in contracting for Local Bus Services to “have regard to the interests of the public and of persons providing public passenger transport services in their area.” (1985 Transport Act, page 99, clause 92). This is interpreted as including taking into account the commercial interest of bus operators and not undermining the economic viability of their services.
4. Similarly, competition legislation prevents commercial operators from acting in any way likely to limit competition between them. It may not therefore be possible to enter into arrangements on service timetables, routes, land-use restrictions, fares or ticketing that include or exclude specific operators. ECC will provide advice on this issue.
5. Where providing local bus services for the new development through the County Council appears likely to contravene the 1985 act, (for example, in a case where more than one operator undertakes services in the development area and the award of a contract to one party could affect the competitiveness of the others services) the developer will be required to negotiate with all relevant operators in the area and to fund services directly.
6. If contracted County Council services are the only ones operating to a development the Developer shall negotiate with the County Council’s local bus service contracting arm as it would with any operator.
7. Where the County is one of a number of potential service providers for a scheme the developer shall negotiate with the County Council’s local bus service contracting arm, as with any other service provider, but the final arrangement shall not contravene the regulations of the 1985 Act.
8. Where it considers it appropriate the County Council may require the Developer to provide services or contributions for services, as part of a Quality Bus Partnership and enter into negotiations with operators of services on this basis. Infrastructure
9. Plans for all new developments or road schemes must include passenger transport infrastructure as an integral part of the design. Schemes which do not do so will not meet the requirements of the RSP and LTP and if necessary, ECC will recommend the refusal of planning consent in these cases.
10. The position of bus stops and other transport related infrastructure should be agreed at an early stage in the planning of developments. Advice on siting can be provided on request by the County Council.
11. Highway works must be carried out to the adoption standards laid down by ECC and completed to the satisfaction of the County Council. The standards should comply with the guidelines set out in the Essex Design Guide.
12. Where there are revenue funding requirements or capital funding and works requirements for passenger transport provision that extends over more than three months, Developers will be required to make a commuted payment, or to provide a bond or other suitable form of indemnity. This must provide that the works will be completed and / or the service provided in full accordance with the agreement, without liability to ECC or any other authority, in the event of failure of the developer and / or any of his contractors to fulfil any of its terms for any reason.

- 13.** In respect of the need to secure the longer term maintenance requirement of the infrastructure on any scheme, the developer will be required to provide a 'commuted maintenance sum' to ECC in respect of any new installations to offset the ongoing maintenance costs for a period of 10 years from the date of acceptance and take over of passenger transport infrastructure by ECC. The value of this sum will be calculated having regard to the costs to ECC of maintaining the infrastructure and energy costs.

Passenger Transport Services

Duties of the Developer towards Service Provision

- 1.** Developers must conduct substantive discussions with the County Council and/or existing providers of passenger transport services in the locality of the site to:
 - Agree the nature of proposals, the anticipated travel demands and the timing of development.
 - Consult on optimal layout and design to assist the operation of services.
 - Encourage participation of the operators in marketing their services to occupiers of the development, including funding incentive schemes for new residents to choose public transport such as free or reduced cost travel for an agreed fixed period.
 - Facilitating the provision of additional passenger transport services to widen travel options and encourage modal shift from cars
 - Service Providers other than local bus services are to be included in such consideration.
- 2.** This requirement extends to the operators of all types of passenger transport service including taxi and taxi-bus operators. These may be especially important to small or exclusive residential developments.
- 3.** Other development related service providers include:
 - Social Care transport for sheltered housing
 - Coach and tour operators for visitor attractions
 - School transport for residential and school developments

Breadth of Discussions

- 1.** There is no restriction on the type of operator discussions can be held with and no requirement that existing service providers should be the sole providers of any new or enhanced services. ECC will facilitate initial discussions if requested.
- 2.** Under the provision of the Transport Acts bus operators may register services to operate (with small exceptions) along any route. Outside of services covered by formal quality bus partnerships or franchises as set out in the Bus Services Act 2017, no agreement with any one bus operator can prevent another from running additional or alternative services along the same route. Where developers allow an operator access to private property, it is expected that the same access will be granted to other operators to, on, or around the development.

3. Where a development is thought to require a particular standard of bus service discussions should be held with ECC regarding the possibility of the County Council making or joining a Quality Bus Partnership scheme or franchise arrangement.
4. Note: A developer will not be required to hold discussions with service operators where the proposal is for:
 - Residential development of fewer than 10 dwellings
 - Retail development of less than 300 M2
 - Business, industrial or warehousing development employing fewer than 20 people (including those working remotely, but based at the site)
 - In other cases, where total person movements (i.e. one person arriving at or departing from the site) are expected to be fewer than 100 on the busiest day of the week when the development is fully completed.
5. However: where the proposal comprises multiple elements, or where another proposal is current within 500m of any part of the site, the developer will be required to carry out such negotiations even if the individual development falls into one of the categories outlined above. ECC will facilitate joint discussions involving more than one developer and / or proposal if required.

Developments to be Assessed Individually to Determine Transport Needs

1. Each development will be individually assessed to determine the level of additional transportation needed according to the following considerations:
 - The nature and scale of the development
 - The anticipated numbers and movement patterns of users / employees / residents, during and after completion
 - Its relative location and access to existing public transport services
 - Its likely impact on local and regional roads, traffic, safety and environment (through, where relevant its formal transport impact assessment)
 - Any requirement to affect a modal shift towards passenger transport, either for the development alone or in the locality generally

Guidance on Expected Service Levels

1. As noted above each case will be considered on its merits, however as a guide a moderately sized residential or commercial development would require a minimum of a Monday to Saturday service, at a 15 minute frequency between 07:00 and 23:00. This should link it to the nearest appropriate transport nexus, e.g. a bus station and / or a major railway station and allow as far as possible direct access to key amenity services.
2. Similarly, provision will be required for Sunday services as appropriate to the type and scale of development. Residential developments will generally be expected to have a minimum of an hourly service between 09:00 to 23:00 on Sundays

3. Service periods and frequencies for other types of development will be dependent on hours of operation and will need to take account of staff movements as well as customers.
4. Provision shall be included within the agreement for the developer to undertake or fund marketing and promotion of passenger transport services including promotional fares covering up to the first year of operation.

Service Commencement and Duration

1. Services are required to start operation on occupation of the first unit on the site. In the case of retail developments, this will mean occupation by staff, not opening to customers.
2. Where phased development is carried out, it will be acceptable for the service to be progressively extended into the development as it proceeds, provided that no occupied property is further than 400m from an adequately served bus stop at any time.
3. In the case of larger developments, passenger transport provision may additionally be required for construction workers prior to occupation, which need not be available to the general public. However, in these cases, ECC will negotiate service frequency with the developer, in light of the level of occupancy or probable journey generation.
4. The minimum period for which any new or enhanced service should be run is five years from the date of completion of the development. For very large developments not expected to be completed within 5 years of first occupation, ECC may require a longer-term commitment
5. An exit strategy must be agreed with the Council to continue the service(s) after this period without any ECC financial support. Failure to agree may be regarded as a breach of the conditions of planning consent. Progress towards this should be jointly reviewed not less than one year before expiry of the original period for securing the service(s).

Obtaining Advice on how to Proceed

1. Developers can secure the provision and operation of services in several ways, including contracting through competitive tendering and by direct negotiation with operators. The most appropriate method will depend on circumstances and as noted above, care should be taken not to damage other commercially provided or subsidised services operating in the area.
2. Advice should be sought from ECC, before entering into detailed negotiations or tendering for service provision. The Council procures most of its passenger transport needs, including subsidised public transport and home to school transport, and can therefore also offer this expertise to developers if required, charged on a cost-recovery basis.

Service Access to Developments

Service Routes

1. Access for Passenger Transport Services in a new development should be considered as an integral part of the planning of the highway provision and not be determined after the road layout has already been decided, as this will lead to costly re-working of plans.
2. Passenger Transport routes through development sites should:
 - Be designed for through route operation avoiding ‘cul-de-sac’ operations, where services return along the same road
 - Link appropriately to the bus network outside the site, without requiring buses to by-pass other important traffic objectives.
 - Offer access for all areas, with a maximum distance between any unit and a bus stop of 400m (less if significant gradients involved)
 - Allow stops to be sited close to the entrances of all key buildings
 - Provide routes that will not be adversely affected by other traffic in the site; e.g. queues for car parks, manoeuvring delivery vehicles, or illegal waiting by cars picking up goods or people (especially at work finishing times)
 - Provide priority measures for Passenger Transport over other traffic, both within the site and at access / egress points, to give quicker journeys than other traffic
 - Provide turning and waiting facilities with sufficient capacity to accommodate relevant services

Width of Roads on Bus Routes

1. Roads expected to be used by buses should be built with a standard lane width of 4m. On straight sections of road in residential areas this may be reduced by agreement with ECC to a minimum of 3.65m, where necessary to reduce the road’s dominance of the streetscape. Access for Smaller Developments
2. For some smaller developments where all parts of a site are already within 400m of an existing bus route, buses will not required to enter the site. However, all areas of the site should have a clearly marked foot route to suitable waiting and boarding facilities. Provision for other types of passenger transport may still be required.

This information is issued by

Essex County Council, Infrastructure Planning Team

You can contact us in the following ways

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