

# Developers' Guide to Infrastructure Contributions 2010 Edition



## Contents

<b>Foreword</b>	<b>4-5</b>
<b>Introduction</b>	
The Purpose and Status of this Guide	6
The role of the County Council in Relation to District and Borough Councils	7
<b>Part 1 – Context, Policy and Principles</b>	
<b>Legal and Planning Policy Context</b>	<b>8</b>
Section 106 of the Town and Country Planning Act 1990 (s106)	8
CIL Regulations	8
DCLG Planning Obligations: Practice Guidance	9
Audit Commission	9
<b>Strategic Planning Context in Essex</b>	<b>10</b>
The Essex Strategy 2008-2018	10
Other Strategic Planning Documents	10
Environment and Climate Change	11
Design Guidance	11
Innovative Approaches to Community Infrastructure	11
<b>Guiding Principles</b>	<b>12-13</b>
<b>Part 2 – A New Approach to Contributions</b>	
<b>Determining Developer Contributions via Planning Obligations</b>	<b>14-15</b>
<b>Types of Developer Contributions</b>	<b>15</b>
Formulae and Standard Charges/Tariffs	15
Maintenance payments	
Support or Forward Funding	16

Pooling of Contributions	16-17
Audit and Administration	17
Standard Legal Agreements	

### Part 3 – Details of contributions for each service area

Early Years and Childcare	18-21
The Schools Service	22-27
Community Services	27
Libraries	27-29
Adult Learning	30-32
Youth Services	32-33
Archives	33-34
Adult Social Care	34-41
Highways and Transport	41-48
Waste Management	48-50
Green Infrastructure	50-54
Public Art	54-56
Glossary	57-60
Key contacts	61

## Foreword

First of all I would like to thank all those organisations, District and Parish councils who submitted comments during our consultation period on the revisions to ECC's Guide to Developer Contributions which commenced in February. We looked carefully at all the comments received and have made a number of changes to the text as a result.

Since the Developers' Guide consultation closed, a new coalition Government was formed. The new Government has announced that the Community Infrastructure Levy (CIL) is to go ahead, This Developers' Guide will be a valuable input to that process

Over the years, ECC has argued that the county's ability to accept the levels of housing and other development expected of it was dependent on action to remedy the historic deficits in its infrastructure. Although the regional housing targets are now gone, considerable housing growth is still in the pipeline, especially in some of the county's major centres and concerns about inadequate infrastructure remain and indeed are heightened by the likelihood of severe restrictions on central Government funding over the next few years.

Historically contributions from developers have played a major part in helping to mitigate the impact of growth on already strained local infrastructure. The need for such funding remains and we believe there is a role for a guide such as this to provide an overview for developers. While there are serious financial pressures on the country and ECC we also need to take account of other major challenges facing it, prominent among which is the challenge posed to a predominantly low lying and coastal county by climate change. It will be vital to ensure that any infrastructure constructed is as resilient as possible to climate change.

The Developers' Guide is an integral component of ECC's overall vision for Essex called Essex Works, seeking the best quality of life in Britain. The challenge for all of us, citizens, councils and businesses is to make that happen.

J Jowers

ECC Cabinet Member

For Communities and Planning

## Introduction

### The Purpose and Status of the Guide

This is the second edition of the Essex Developers' Guide, which replaces the edition of April 2008 (DS07 1288).

It details the scope and range of the financial contributions towards infrastructure which Essex County Council may seek from developers, through section 106 agreements, in order to make development acceptable in planning terms. It promotes a consistent and transparent approach so people are able to see and understand how development in their area is making a fair and positive contribution to the community. The Guide is also recommended to Local Planning Authorities (LPAs) for use in working up their own Local Development Framework documents including Planning Contribution SPDs, Standard Charges and CIL Charging Schedules.

The Guide does not cover services provided by District and Borough Councils, such as Affordable Housing, nor contributions that may be sought by other infrastructure providers such as the NHS or Police. Early contact with the appropriate local authority is recommended to ensure full account is taken of other service requirements and local policies.

In developing this Guide the County Council has worked with The Essex Planning Officers' Association. It has been screened for its environmental impact and has undergone a sustainability appraisal. It has also been the subject of a formal consultation with the Government Office for the East of England, the District, Borough and Parish Councils in Essex and the development industry. The consultation ran for over eight weeks earlier this year. The main points raised in the consultation and ECC's responses are contained in an accompanying document on ECC's website.

Following the public consultation the Guide was amended and then approved by Essex County Council as County Supplementary Guidance under Para 6.3 of PPS12, which means it can be a 'material consideration' in the determination of planning applications. The figures and approach set out will not apply where districts have adopted Standard Charges or a Community Infrastructure Levy (CIL).

### **The role of the County Council in Relation to District and Borough Councils**

Essex County Council (ECC) is responsible for much of the large scale infrastructure that residents require such as roads (as the Highways Authority) and schools (as the Education Authority). In these various roles, ECC comments on planning policy and works in partnership with District and Borough Councils to identify the impact of development proposals on infrastructure. Where appropriate, ECC seeks developer contributions to mitigate the impact of new development on infrastructure and its capital programme. The range of potential impacts and contribution requirements are covered in part 3 of this Guide.

There are twelve District and Borough Councils in Essex excluding Southend-on-Sea and Thurrock which are now unitary authorities. The District/Borough councils are the LPAs that decide the local planning policies that determine where development should be located. They also determine planning applications for new housing and employment sites and ultimately decide which requests for developer contributions should be secured through section 106 agreements. These local authorities also provide infrastructure in relation to their own services such as parks, leisure centres and Affordable Housing.

## Part 1 – Context, Policy and Principles

### Legal and Planning Policy Context

#### Section 106 of the Town & Country Planning Act 1990 (s106)

Section 106 of the Town and Country Planning Act 1990, as amended, allows, amongst other things, an LPA to enter into legally enforceable planning obligations which can restrict the development of land and require sums to be paid to the LPA .

#### CIL Regulations 2010

In April 2010 the Government introduced Regulations to pave the way for the introduction of the Community Infrastructure Levy (CIL). Introducing CIL requires a restriction on s106 powers, so that developers do not pay twice for the same infrastructure. The Regulations put in to law the principles set out in Circular 05/2005 and impose three tests that a planning obligation must meet to be considered lawful:

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

In order to allow developers to predict as accurately as possible the likely contributions they will be asked to pay, as much guidance as possible should be provided. This Guide makes a significant contribution to that information pool. The Regulations also cover a number of other issues such as mitigating the impact of development, maintenance payments and pooled contributions.



## **DCLG Planning Obligations: Practice Guidance**

During July 2006 the Department of Communities and Local Government issued a further document: 'Planning Obligations: Practice Guidance'. The aim of the guidance was to provide practice tools and methods to help improve negotiations and implementation of the planning obligations. It included a number of case studies of joint working and of the use of formulaic approaches to developer contributions, such as those used for standard charges. This Guide seeks to use this best practice and apply it to the specific needs arising from development in Essex.

## **Audit Commission**

The Audit Commission produced four related documents in August 2007 having researched how effectively councils use planning obligations. The introduction states 'The effective use of planning obligations is a key part of this new agenda'. They are essential to delivering the necessary infrastructure for creating sustainable communities. They can:

- improve social inclusion through mixed tenure developments;
- mitigate the impact of development on communities;
- compensate for loss or damage created by development;
- and support basic off site infrastructure such as access roads'.

The 'Route Map to Improved Planning Obligations', produced by the Audit Commission, suggests six building blocks to improve performance. This Guide seeks to reflect these in its approach to planning contributions.

## Strategic Planning Context in Essex

### The Essex Strategy 2008-2018

‘Shaping the Future of Essex’, a ten year strategy agreed by the Essex Partnership, will form a key part of the policy framework for Essex County Council in dealing with change in the County over the next nine years. Many organisations have been involved in selecting the activities to be monitored and the targets which have been set. These are expressed in ‘National Indicators’ which address the most important aspects of our quality of life within the county. They include several which relate to adequate infrastructure being created for our new and growing communities, including greater participation in sports and exercise, more facilities for young people, more places for infants in nurseries, more waste recycling and more help for vulnerable elderly people.

### Other Strategic Planning Documents

ECC produces strategic plans for its services and listed below are a selection, by no means exhaustive, of the strategic plans which are relevant to this document.

The Children and Young People’s Plan

Waste Plan

Homes for Older People Strategy

Housing for Disabled People Strategy

Community Wellbeing Strategy

Supporting People 5 year care strategy and successor documents

Mental Health Accommodation Strategy

Further information regarding the objectives and policies that lie behind the requirements laid out in this Guide can be found on the Essex County Council website [www.essex.gov.uk](http://www.essex.gov.uk)

## **Environment and Climate Change**

It is particularly important in a County like Essex, which is generally low lying and has a very long coastline, that any infrastructure in the County is as resilient as possible to the potential effects of climate change.

## **Design Guidance**

Essex has a reputation for producing quality and ground breaking design initiatives for the built environment. The documents ‘*The Essex Design Guide*’ for residential and mixed use areas and ‘*The Urban Place Supplement*’ which provides guidance for more compact and sustainable development, make a major contribution to the quality of the built environment in Essex and should be used wherever possible.

For further information on both the Design Guide and Urban Place Supplement contact [Elizabeth.Moon@essex.gov.uk](mailto:Elizabeth.Moon@essex.gov.uk)

## **Innovative Approaches to Community Infrastructure**

Essex County Council is considering how best to provide enhanced community services in the most cost effective and flexible ways. Innovative solutions will be considered if they meet the core objectives of a service, such as the creation of multi-use community buildings, long-term renting of existing community facilities and partnering with other organisations. Discussions with developers and others are welcome and should form part of any pre application process .The Council is aware of the pressures facing developers at present and has produced a protocol for assessing requests by developers to defer S106 contributions from ‘pre credit-crunch ‘agreements, where developers can demonstrate need.

## Guiding Principles

In seeking developer contributions ECC will be guided by national planning policy and its own strategic planning documents. ECC will work with the LPAs to ensure Local Development Frameworks and local planning policies reflect service needs and new infrastructure requirements, thus providing the development industry with a firm basis for its own business planning. Since policies and strategies are always under review, useful contacts are provided on the inside back cover and ECC staff will provide without prejudice assessments of likely contributions prior to planning applications being submitted.

Each development will be assessed on its own merits and, where ECC seeks developer contributions, it will provide evidence that the infrastructure is required (at least 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. A number of contributions may hence need to be pooled to provide sufficient funding to provide the required infrastructure. LPAs will also take account of viability before agreeing the final level of contribution.

Contributions are generally sought in relation to capital requirements but can include start up and maintenance costs. Ongoing revenue costs are supported through local taxation on the new homes. Contributions may take the form of land or works as well as monies. Smaller contributions will tend to be calculated using the types of formula set out in this Guide, whereas large complex projects will require bespoke costings and work plans. Phasing of infrastructure or contributions may be appropriate for large development with a build programme spanning many years.

ECC will provide legal templates covering their s106 requirements when contributions are agreed. The fees of both sides must be covered by the developer and therefore the use of standard clauses is essential in keeping fees to a minimum. Once completed, LPAs will record

all appropriate obligations as land charges and, in partnership with ECC staff, the development and compliance with the agreement will be monitored. Developers may ask for information pertaining to the administration and spending of contributions, and legal agreements may include clauses providing for the return of unspent monies after an appropriate period of time.

## Part 2 – A New Approach to Contributions

### Determining Developer Contributions via Planning Obligations

The impact of a development proposal will be determined using information provided by the developers and/or landowners, the District and County Authorities, and other appropriate information sources, together with the approach and methodologies contained within this Guide. Regard will also be had for national, regional and local policies and, where appropriate, emerging policies and guidance.

Contributions required to address the impact of new development may be provided in a number of ways, depending on the scope and impact of the development being proposed. For instance, a new junction on the highway network required to access the site would generally be part of the development of the site. Whereas improvements to the surrounding highway network, required to address the impact of additional traffic generated by the development, may be secured in the short term either by work-in-kind constructed by the developer, or a financial contribution. In the case of services such as education a contribution using a formula may be more appropriate. In some cases the transfer of land for a facility such as a school would be required. In the case of large developments there may be scope to consider joint use of buildings to house community service providers.

Phasing of infrastructure or contributions may be appropriate for large development with a build programme spanning many years. Such phasing may reflect that a facility or road improvement is not needed at the start of building, but at a later date. Financial contributions can also be phased to reflect the viability of the site.

A formal assessment for Section 106 contributions can be made at the time of a planning application being submitted, on a without prejudice basis if adequate information on the scale and mix of development being proposed is available. Such assessments are made on the

information available at the time and experience shows that proposals can change as the planning process moves forward, or as a large site is developed. This may require a re-assessment of infrastructure needed.

## Types of Developer Contributions

### Formulae and Standard Charges/Tariffs

In order to give greater certainty and speed to the process of negotiation, a formulaic approach will be used for County Services whenever possible. This approach fits well with Standard Charges and the CIL. Where a District is preparing its Core Strategy with supporting Supplementary Planning Documents and subsequently proposes a tariff or Standard Charge, the County will work with it to ensure that County services such as Education, Community Services and Transportation are included. Chelmsford BC has already done this. With some County services a standard charge may not be possible, especially where the complexity and range of the impact needs to be the subject of detailed analysis and option development. Direct site-related transportation requirements may be such a case, where a detailed impact study will be required followed by a number of iterations.

Having regard to the Government's proposals for a Community Infrastructure Levy the County Council is developing an 'Area Highways and Transportation Charge' that will be applied to all new dwellings in each separate district of Essex and will complement any site-related Section 106 obligations. This two tier approach therefore covers the wider strategic impact on the transport system as well as the local impact. The Area Highways and Transportation Charge will be different for each district, determined through district Core Strategies and related transport documents.

## **Maintenance payments**

Where it is appropriate maintenance contributions will be requested. New structures or unusual use of high maintenance materials may incur such payments. Each case will be taken on its merits both for the amount and duration of the payment. Usually this will be a one off payment held in an appropriate account. There may be cases where the developer, for good reason, wishes to maintain a structure or feature. In such cases a financial bond may be requested to indemnify the Authority against any failure to carry out maintenance to a satisfactory standard.

## **Support or Forward Funding**

Forward funding and/or revenue support may be required where an element of the development package is required to be in place at an early stage in the build programme to service that area. The early provision of public transport would be an example.

## **Pooling of Contributions**

In some cases the pooling of contributions has been an appropriate way of collecting together funding from a number of developments in an area, but this may soon be restricted to 5 if a District decides to introduce a CIL. Pooling facilitates the provision of infrastructure needed to meet the cumulative impact of development where a single contribution would not fairly be able to meet that cost. In such cases there needed to be a clear framework on how the contributions would be collected and the infrastructure subsequently provided. As with Standard Charges, there needs to be a transparent mechanism to prioritise and deliver the subsequent infrastructure. With both the standard charge and the pooling approach, the delivery mechanism needs to be agreed and identified early in the process so that certainty of timely delivery can be demonstrated.



Cross border impacts can raise particular issues where pooling or a standard charge might be used. The CIL regulations recommend the setting up of a Joint Committee if two or more authorities are involved. An agreement will need to address how such funding will be called down and service provision/enhancement delivered and in what time frame.

### **Audit and Administration**

There has always been the need to record and track the obligations contained in a Planning Agreement and most authorities have systems to do this. The change in approach to developer funding encouraged by Government and contained in this Guide also demands a step change in recording, monitoring and administering Agreements. The County Council has installed an up to date and dedicated database to deal with Agreements. Following the recommendations of the Audit Commission Report it has appointed Monitoring Officers to ensure the discharge of obligations. The database will also facilitate an important Audit trail for each Agreement.

### **Standard Legal Agreements**

Essex County Council has been using standard Legal Agreements for some time now, with general acceptance both from the development industry and Local Planning Authorities. For continuity the County will continue to use this for future agreements. This approach will be reviewed as the DCLG in their Practice Guidance include a Law Society model agreement which is recommended. The use of standard clauses in an agreement can play a major role in speeding up the process and should therefore be used whenever possible.

## Part 3 – Details of contributions for service areas

### Early years and childcare

#### Background

The Childcare Act 2006 places a range of duties on local authorities with regard to the provision of sufficient, sustainable and flexible childcare that is responsive to parents' needs. Local authorities are required to play a lead role in facilitating the childcare market within the broader framework of shaping children's services, in partnership with the private, voluntary and independent sector.

The introduction of the Early Years Foundation Stage brings together care and early learning for children 0-5 in a single integrated quality framework, replacing the Curriculum Guidance for the Foundation Stage.

More detailed information on the developer contributions that may be sought towards Early Years and Childcare is available in an Education supplement to this document and these detailed requirements should always be checked at the earliest opportunity when assessing the viability of a scheme.

#### When will contributions be sought?

All residential developments of ten or more dwellings will be considered as will proposals likely to result in the employment of twenty five or more people. 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 & Childcare Service will only require developer contributions where there is a current or forecast lack of provision in the immediate area to the proposed development. To

facilitate parental preference and provide for contingency planning a figure of around 5% surplus provision should however be maintained. Evidence of local need is published in the Childcare Sufficiency Assessment. For the purposes of developer contributions, only permanent accommodation can be counted and long term demand must include other housing projects proposed for the area.

### Forecasting early years and childcare demand from new housing

When estimating the number of children that a new housing development will generate and that will require additional provision (child yield), the Early Years & Childcare Service takes account of the number of houses and flats that are suitable to accommodate children. One bed units and other categories of home such as student and elderly accommodation are excluded from any calculation. The child yield from houses is nine children per one hundred homes (0.09 per dwelling) with half this number expected from flats i.e. 0.045 per dwelling.

Example: -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 an additional 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

## Forecasting early years and childcare demand from employment sites

When estimating the number of Early Years & Childcare places that a new employment proposal will require, a factor of four places per one hundred employees is used. In the case of Outline applications where the number of employees is not stated, an estimate based on floor space is made. The guidance on estimating employee numbers in different types of business published by the ODPM in December 2004 (Employment Land Reviews – Guidance Note) is currently used.

Example: - A development expected to employ 150 staff would generate the following number of children requiring an additional place:-

Employees	Factor	Places
150	0.04	6

## Contribution requirements

In the case of smaller developments contributions will be sought to help extend existing provision, or to pool contributions towards a larger project. All contributions sought are based on, and index linked to, the cost of provision at the start of the financial year. At the start of the financial year 2009/10 each Early Years & Childcare place was estimated to cost £13,698. Therefore, any contribution sought between April 2009 and March 2010 is calculated using this figure and final payments are increased or decreased relative to any rise or fall in costs between April 2009 and the date the contribution is paid. The index used to uplift Early Years & Childcare contributions to current costs and hence future proof contributions against build cost inflation is the 'PUBSEC Index', published by the Department of Business, Innovation and Skills. Based on the residential development example above, the base contribution sought would thus be: -

Places	£ per Place	Total at April 2009
14.85	£13,698	£203,415

On large developments it is likely that new provision will need to be established. Often new provision can be attached to a school or provided as part of a larger community resource. A range of studies are needed to determine the exact scope of the project and produce a bespoke cost. This work can take several months during which developers will need to prove that any land required meets a rigorous checklist of criteria. Developers are thus advised to contact the Early Years & Childcare Service as early as possible during the pre application stage to discuss the requirements. Any remediation or re-grading of the land must always be completed by the developer prior to the development being commenced. Utilities and access must also always be provided to agreed points on the boundary prior to transfer to ECC.

The precise quantum of development that will trigger a bespoke project cannot be defined exactly, as location will play an important part. The size of provision required will also vary. By way of indication a 60 place Children’s Centre is likely to require a minimum of 0.15 hectares of land.

### **Safer routes**

In consultation with colleagues in Essex County Council’s Highways & Transportation Service, the provision of walking and cycling routes between Early Years and Childcare provision and developments will be looked at. Financial and/or off site works may be required as a result to reduce travelling distances or improve safety.

## The schools service

### Background

Under section 14 of the 1996 Education Act, local authorities must secure sufficient appropriate school places to serve their area. The available schools must be sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education. Section 2 of the 2006 Education and Inspections Act further places Essex County Council, as the appropriate local authority, under a duty to secure diversity in the provision of schools and increase opportunities for parental choice.

The Schools Service has sought financial contributions to mitigate the impact on schools of new housing since 1999. Prior to this time only land for new schools was sought. Essex wide Supplementary Planning Guidance setting out a consistent robust methodology for seeking contributions was produced in conjunction with the Essex Planning Officers' Association and adopted by ECC in September 2004. More detailed information on the developer contributions that may be sought towards schools is available in an Education supplement to this document and these detailed requirements should always be checked at the earliest opportunity when assessing the viability of a scheme.

### When will contributions be sought?

All developments of ten or more residential dwellings will be considered. Applications for smaller developments will be exempt unless their co-location to other sites necessitates a holistic look at their cumulative impact.

The Schools Service will only require developer contributions where there is a current or forecast lack of permanent places at the local school or in the immediate area to the proposed development. It should be noted, however, that the Audit Commission has recommended a

figure of 5% surplus places within an area to facilitate parental preference and admissions outside the normal round. Evidence of local need is published yearly in the Essex School Organisation Plan (SOP). In determining the local supply of places only permanent accommodation will be counted and forecast demand will include other housing projects proposed for the area. The groups of schools shown in the SOP will generally be considered, especially in urban areas, but schools that serve a particular faith community or select pupils on the basis of ability may be excluded from assessments.

### Forecasting pupils from new housing

When estimating the number of pupils that a new housing development will generate (pupil yield) the Schools Service takes account of the number of houses and flats that are suitable to accommodate children. One bed units and other categories of home such as student and elderly accommodation are excluded from any calculation. The expected pupil yield from houses is thirty children per one hundred homes (0.3 per dwelling) for primary school age and twenty pupils per one hundred homes (0.2 per dwelling) for secondary school age. Flats are treated as producing half the normal pupil yield (0.15 primary and 0.1 secondary per flat).

Example: -A development consisting of ten one bed flats; twenty two flats (with two or more bedrooms) and fifteen houses would generate the following number of pupils requiring an additional place:

#### Primary

Dwelling Type	Units	Factor	Pupil Yield
One bed	10	0	0
Flats	22	0.15	3.3
Houses	15	0.3	4.5
Total	47		7.8

## Secondary

Dwelling Type	Units	Factor	Pupil Yield
One bed	10	0	0
Flats	22	0.1	2.2
Houses	15	0.2	3
Total	47		5.2

### Contribution requirements

In the case of smaller developments, contributions will be sought to help extend existing schools on the basis of multiplying the pupil yield by the appropriate Department for Education (DfE) cost per place figures (regionally adjusted for Essex). For April 2009 these are £11,361 for primary and £17,217 for secondary school places.

Based on the above example the contribution sought would thus be: -

Age Range	Pupil Yield	Cost per Place	Total
Primary	7.8	£11,361	£88,616
Secondary	5.2	£17,217	£89,528
		Total	£178,144

The Department for Education's cost per place figures are adjusted annually and all contributions will thus be quoted and require indexation from the April at the start of the appropriate financial year during which the amount was calculated. The index used to uplift Schools contributions to current costs and hence future proof contributions against build cost inflation is the 'PUBSEC Index' published by the Department of Business, Innovation and Skills.



In the case of larger developments, specific projects may need to be identified and contributions secured that fully fund them. This may lead to contributions providing additional places not fully justified by the pupil yield but instead by the need to produce manageable class groups. Where funding allows, ECC will contribute pro rata to such schemes that provide a close fit with other policy objectives. A feasibility study will be commissioned to determine the exact scope of the works and produce a bespoke cost. Depending on the size of the project, this process can take several months and developers are advised to contact ECC as early as possible in the pre application process to discuss information requirements. Such projects may also require the developer to secure additional land for the school or the financial means to do so.

In some locations new schools will need to be provided. Both a 'site compliance' and then a 'project feasibility' study will be required, during which the developer must prove to the Schools Service that the land offered for the new school meets a rigorous checklist of requirements. This process, which is funded by ECC, takes a minimum of six months to complete, or longer if the two studies cannot run concurrently. Any remediation or re-grading of the land must always be completed by the developer prior to the residential elements of the development being commenced. Utilities and access must also always be provided to agreed points on the boundary prior to transfer to the Schools Service.

The precise number of dwellings that will trigger either a bespoke project or a new school cannot be defined exactly, as location will play an important part. By way of guidance, however, a development of less than 100 units is unlikely to require a bespoke project as it will equate to less than one class of either primary or secondary age pupils. In contrast, a development of 700 houses could be expected to produce sufficient pupils to fill a one form entry primary school and would almost certainly trigger the need for a bespoke project. A one form entry primary school requires 1.1 hectares of land, however, ECC has a strong preference for two form entry primary schools (1.9 hectares). Larger new primary schools are generally unacceptable. The smallest new secondary school Essex would seek to establish is 600 places and a school this size requires around 5.2 hectares.

## **Post-Sixteen provision**

The majority of Essex secondary schools have a sixth form and in some cases expanding the number of secondary places will naturally lead to an increase in the number of sixth form places demanded. One hundred houses can be forecast to generate the need for four additional sixth form places and the applicable April 2009 cost per place figure was £18,436.

## **School transport**

Where it is not possible to provide additional school places within a reasonable walking distance of the new development or via a safe route, an additional contribution towards school transport will be required. This contribution will be in addition to any pupil places contribution and will usually pertain to the cost of providing the transport for the number of additional pupils for a minimum of five years.

## **School Travel Plans and Safer Journeys to School**

The County Council has a duty under the Education and Inspections Act 2006 to develop a School Travel Plan with all schools. It also has a statutory duty to promote the use of sustainable methods of transport for all education and training related journeys, from pre-school age to post 16 students.

In consultation with colleagues in ECC's Highways & Transportation Service the provision of walking and cycling routes between schools and developments will be looked at. Financial and/or off site works may be required as a result to reduce travel distances or improve safety. Contributions may also be sought towards the provision of specific education journey infrastructure such as cycle stands and parent waiting shelters; providing public transport to appropriate education establishments or for education materials and activities such as cycle training.

Where a development includes a proposal for building new educational or training spaces, the developer will be required to work with the School Travel Plans and Safer Journeys to School teams to develop and implement a travel plan and associated safer journeys to school infrastructure programme. This will involve consideration of access to the school site and the walking & cycling routes to it. Developers will be expected to help minimise the carbon footprint produced by the school through the design and layout of the development.

## Community Services

### General Statement

The following outlines the general approach to development contributions for Community Services. The contributions will be used flexibly to make provision locally (within or near to new developments), and/or as part of larger town centre facilities, or in accordance with service strategy. The exact nature of new facilities will be subject to service strategy, consultation with local people, user patterns and the prevailing local circumstances. The opportunity to take advantage of multi-use design will be closely examined and followed whenever practicable. ECC welcome early discussions with developers and landowners in this respect.

The context for the developer contributions proposed below has been informed by the Museums, Libraries and Archives Council report “Public Libraries, Archives and New Development: a Standard Charge approach” (2008).

### Libraries

The Library service is statutory (1964 Public Libraries and Museums Act), and is required to provide a comprehensive and efficient service for all residents and persons working in Essex. This statutory function is articulated by central Government through Public Library Service Standards and its inspection regime (see “Wirral Inquiry” for example on DCMS website: [www.culture.gov.uk/what\\_we\\_do/libraries/default.aspx](http://www.culture.gov.uk/what_we_do/libraries/default.aspx))

The methodology is District/Borough based and takes into account:

- All planning applications will be considered.
- Inclusion of other known planning applications in the District/Borough.
- Long term capacity and future requirements across the whole of the District/Borough.
- The Essex standard for a new stand-alone library is that it should serve a discrete community of at least 7,000 people.
- Land acquisition costs are not included in the rate per dwelling.
- On substantial development sites (usually 300+ units) a new site/premises may also be required at no cost to ECC or the LPA.
- The Community Services General Statement above.

**The detailed calculation uses the following factors:**

1. A service requirement of 30m<sup>2</sup> net of public library space per 1,000 population, based upon the MLA report (above).
2. Parking space will be required generally in accordance with national and/or recognised standards.
3. Building costs are based upon the RICS BCIS Tender Price Index and new build prices.
4. Fitting out costs including furniture, fittings, technology etc are based upon current fitting out costs of new provision in Essex.
5. Provision of stock based on the Public Library Standard “Stock level per 1,000 population”, and using the average price of new books taken from the Holt Jackson review of new book prices paid by Public Libraries.

## **Current rate per dwelling for 2010 - £281.48**

Costs are subject to review as and when necessary but at least annually to reflect changes in build costs.

### **Methodology**

Space requirement: 30sq.m per 1000 population (net public floor space excluding circulation and services' space) – MLA recommended benchmark.

Building cost: Construction cost (including external works) = £2,140 per sq.m – based on RICS BCIS Tender Price Index (3Q 2009)

Fitting out costs = £1,200 per sq.m – based on current fitting out costs of new provision in Essex (January 2008)

TOTAL building cost = £3,340 per sq.m

Stock cost: Stock items per 1,000 population = 1,532 – National Library Standard upper threshold.

Average stock item price = £11.15 – based on Holt Jackson book price index (March 2010)

Cost per 1,000 population: Building – Total cost x 30 sq.m = £100,200

Stock – Items per 1,000 population x Average price per item = £17,082

Total = £117,282

Contribution per dwelling: Cost per person = £117.282

Average number of persons per dwelling 2.4 - [Regional average house occupancy]

**Cost per dwelling = £281.48**

## Adult Learning

### Mission Statement

To put the learner at the heart of what we do by developing learning opportunities for adults in partnership with others, and by providing access to a flexible, high quality service which is delivered locally across Essex.

The methodology is District/Borough based and takes into account:

- All planning applications will be considered.
- Inclusion of other known residential planning applications in the District/Borough.
- Current capacity and future requirements will be assessed across the whole of the District/Borough, based on ECC full time adult education facilities.
- Land acquisition costs are not included in the rate per dwelling.
- On substantial development sites (usually 300+ units) a new site/premises may also be required at no cost to ECC or the LPA. Please refer to Appendix 1 for general details of site requirements.
- The Community Services General Statement above.

### The detailed calculation uses the following factors:

1. The number of enrolments in Essex converted to full time equivalent students (using a Further Education Funding Council model for converting numbers of students to full-time equivalents).
2. A requirement for 70 sq.m for 30 full time students, based on the DfES standard for a general teaching classroom, plus circulation and non-public areas. Parking space will be required on a per staff/student basis in accordance with national standards and/or recognised standards.

3. Building costs are based upon the RICS BCIS Tender Price Index and new build prices.
4. Fitting out costs including furniture, fittings and technology etc., based upon current fitting out costs of new provision in Essex.

### **Current rate per dwelling for 2010 - £97.42**

Costs are subject to review as and when necessary but at least annually to reflect changes in build costs.

### **Methodology**

Space requirement: 70 sq.m per 30 F/T students – DfES standard for class teaching space = 2.33 sq.m per F/T student

Building cost: Construction cost = £2,195 per sq.m – based on RICS BCIS Tender Price Index  
Fitting out costs = £1,289 per sq.m – based on current fitting out costs of new provision in Essex

TOTAL building cost = £3,484 per sq.m

Therefore; Cost per student = £8,118 per sq.m

Students as proportion of population:

Enrolments in Essex (2006/07 academic year – last audited accounts) = 39,675

Full/Time equivalent =  $39,675 \times 0.158 = 6,269$  F/T students

Essex population = 1,371,260 (mid year 2007)

Proportion of Population =  $1,371,260 / 6,269 = 0.005$

Contribution per dwelling: Cost per F/T student/person = £8,118 per sq.m

Multiplied by proportion of Essex population who are F/T students x 0.005= £40.59 per person

Average number of persons per dwelling = 2.4 [Regional average house occupancy]

$2.4 \times £40.59 = £97.42$

**Cost per dwelling = £ 97.42**

## Youth Services

Youth services in Essex are underpinned by a requirement to fulfil a number of Central Government strategies, i.e. Every Child Matters, the Local Area Agreement, the Children and Young People’s Plan and, within that, the priorities set out by the Directorate of Schools, Children and Families.

Youth services bring together elements of targeted youth work provision; information, advice and guidance; young people’s voice and influence programmes; young carers; and positive activities for young people. This creates a coherent youth development and support service with a comprehensive “offer”, working in partnership with colleagues in the voluntary sector.

Working predominantly with young people aged 13 to 19, youth services:

- Provide access to advice and guidance.
- Deliver targeted support to those at risk of not progressing.
- Support volunteering and community involvement.
- Deliver positive activities and access to youth work personal and social development programmes.
- Support young people to have a voice.

Services are delivered across a range of youth centres, outdoor centres, mobile units and information points. Critical to the work of youth services is working with and involving partners, particularly young people, who are fully involved in service design, delivery, governance and evaluation of our services.



Following a similar methodology to those for Early years and Child Care and Schools outlined above, ECC estimates that each development of 30 houses is likely to give rise to 1.5 young people needing some youth centre provision. The minimum size of development requiring a bespoke youth centre, which would cater for approximately 60 young people, is around 1200 houses.

The capital cost of such a youth centre would be around £ 650,000. The number of new youth centres likely to be needed will depend on the number of houses to be built over the next 15-20 years. The previous Regional Spatial Strategy, which has now been removed, envisaged in 2009 a further 44,000 houses would be planned and built by 2021, which would suggest around 36 new centres might be required.

This cost might be reduced by building a smaller number of larger centres and also by combining youth provision with other County, District and other public services and possibly also private provision. There are already a number of examples where ECC, a District and/or a Parish council and/or others are cooperating in this way and we would expect this to increase in the next few years.

We would not expect that developers would be responsible for funding the entire cost.

In addition some Essex Districts have also been making provision for young people. eg. through teen shelters.

## Archives

The historic archives of Essex are mainly kept in the purpose-built Essex Record Office in Chelmsford. Although built only in the late 1990's the building is already near full capacity and needs extra space to accommodate the ever increasing amounts of records and the growing numbers of visitors, including those who have recently settled in the county and will be arriving

over the next decade. A new annexe adjacent to the existing building is required.

The storage, conservation and retrieval of archives, which can include film, sound, paintings, maps and photos as well as paper is complex and involves specialist techniques and workspace. The County Council seeks a modest charge from developers to help pay for the costs of expansion of this essential service.

## Formula

The MLA Council has developed a national formula for standard charge contributions for Archives along the same lines as those for libraries. It is as follows:

i) National benchmark of six square metres of new archive space per 1,000 population.

ii) Construction and initial equipment costs of £3, 600 per square metre (2009).

iii) (i) x (ii) = £21,600 per 1,000 people, or £21.60 per person. **For an average new dwelling occupied by 2.4 persons (ONS) this equates to a charge of £52.80.**

## Adult Social Care

### Background

### Context and Strategies

Adult Social Care produces accommodation strategies relating to the needs of vulnerable adults living in Essex. These reflect the strategic direction of the service and models which will address the demographic growth and peoples' needs. Where possible this information is broken down to District/Borough level to inform developers exploring future housing

development. The data that informs these strategies comes from the Department of Health databases. The strategies are available on the Essex County Council website in the 'Health and Caring' pages.

The type of services provided by Social Care and the way they are delivered is changing. There is a shift from segregated residential and day centre based care to community and home based services. The Council is moving from direct provision to a commissioning role, working in partnership with health services. Inward migration of population and new housing developments impact on the demand for services. Large scale developments are likely to require specific capital developments to provide new infrastructure. Generally the Council would want to see Developers' plans promote a sense of community, well-being and safety; good mobility access to public places and properties of a Lifetime Homes standard, adaptable for all needs.

## **Housing Needs**

Adult Social Care has produced a number of Housing and Accommodation Strategies which are designed to:

- Feed into Section 106 discussions on new developments at the planning pre-application stage to ensure strategic aims are met
- Provide a clear reference point for local planning and housing authorities
- Reduce the demand for social and health services through the provision of a good range of housing options.

To ensure that the population of Essex is able to live as much as possible in accommodation of their choice, it is important that new developments are located in areas that can provide services for the whole community, without putting further pressure on existing services. It is

important that this community infrastructure is included at build stage of new developments rather than retrospectively.

The importance of preventative services being developed should not be ignored and these services are often best placed in the local area. The introduction of personal budgets and the importance of 'Local Area Agreements' signal a need to plan and deliver a range of services locally. These include supported accommodation options and access to buildings which could be used as 'well-being centres'.

Examples specific to service user groups are given below:

### **Older People**

The older people's (75 yrs. +) population of Essex, currently 114,000, is estimated to increase to 157,000 by 2020. Provision of 'Extra Care' housing is currently based on 25 places required per 1,000 people aged over 75yrs. (2.5%). (*Source More Choice, Greater Voice* toolkit produced by CLG and Care Services Improvement Partnership (2008)) There will be a greater demand for sheltered and affordable accommodation over the coming years as a result, with the number of additional places needed by 2020 in Essex calculated as 740, at an average rate of 74 each year. Supported housing need will normally be arranged in cooperation with the district Housing Manager as part of the Affordable Housing quota. The contribution will pay for housing to be occupied by adults who cannot live entirely independently.

## Contributions sought from developers :

### 1. Formula for contribution towards Extra Care Housing for the elderly.

1. 1 Contributions may be required on the basis of numbers of people needing Extra Care housing support in each district. The current (2008) estimates (Office of National Statistics) of people aged 75 yrs + district by Essex district are:

<i>District</i>	<i>number</i>	<i>%age</i>	<i>District</i>	<i>number</i>	<i>%age</i>
Tendring	20,000	17.5%	Castle Point	8,100	7.1%
Colchester	12,700	11.1%	Rochford	7,500	6.6%
Basildon	12,600	11%	Brentwood	6,700	6%
Braintree	11,200	9.8%	Harlow	6,100	5.3%
Epping For.	10,600	9.3%	Uttlesford	5,700	5%
Chelmsford	8,900	7.8%	Maldon	4,000	3.5%

Current Essex total = 114,100 over 75's.

No. of places per 1,000 persons aged over 75 yrs. eligible for Extra Care @ 2.5% therefore =2,850 persons.

Source ONS 2008

### 1.2 Cost of Extra Care accommodation

i) Total number of Extra-Care places required each year 2010 – 2020 in Essex = 74.

ii) Average price of each Extra-Care place after grants = £120k (2009 prices).

iii) Therefore total cost of extra-care places needed each year = £8.9m (indexed).

1.3 Demographic projections in 'POPPI' Dept. of Health statistical database estimate that the total population of persons aged 75+ in Essex by 2020 will have increased to 154,500. The estimates for each Essex district in 2020, showing the expected increases of over 75's since 2010 and the percentage rate of increase are :

<i>District</i>	<i>Increase</i>	<i>No. in 2020</i>	<i>rate %age increase</i>
Tendring	6,200	26,200	31
Colchester	4,600	17,300	36.2
Basildon	3,400	16,000	27
Braintree	4,200	15,400	37.5
Chelmsford	5,400	14,300	60.6
Castle Point	4,100	12,200	50.6
Epping Forest	1,600	12,200	15.1
Rochford	2,500	10,000	33
Uttlesford	2,800	8,500	49
Brentwood	1,400	8,100	21
Maldon	3,900	7,900	98
Harlow	300	6,400	5

1.4 The numbers of older people increase everywhere, but the rate of increase varies greatly from Maldon, where the numbers are expected to nearly double, to Harlow, where they increase by just one in twenty of the population.

1.5 To meet the new target of 740 additional Extra Care places during the 2010-2020 period the total cost is £89m (indexed). Developers may be asked to contribute towards the additional cost of creating some affordable housing so it can be used for for 'Extra Care'. **The contribution will be £200 per dwelling, which represents just 0.2% of the overall cost of creating an Extra Care place for elderly people. This equates to £2.50 per square metre of new development**

Therefore the levy or contribution from 500 new homes built would yield £100,000 and 600 new homes would pay the cost of one new Extra Care home.

#### 1.6 Chelmsford example

As A purely mathematical example the estimated levy for Chelmsford, with approx. 9,000 homes still to be built, would yield £1,800,000, which would therefore pay for 15 Extra Care homes. The estimated number of Extra Care homes needed for Chelmsford by 2020, which is expected to have the largest percentage increase in older people of any Essex district, with 5,400 more people over 75 years, would be 2.5% of 5,400, which is 135 new homes. In Chelmsford district therefore the levy would represent 11% of the total cost of the new Extra Care homes needed, with 89% to be found from other sources.

#### **People with disabilities**

- There is a move away from people living in registered care (currently 31%). This means that people with a learning disability will need to live in a range of locations, including new developments
- Life expectancy of people with a learning disability has significantly increased over the past few years, which in turn will place pressure on locality services being available
- Younger people with a learning disability are increasingly accessing home ownership and are likely to need community based services.

Formula for additional housing units for Learning Disability & Physical and Sensory Impairment clients:

1. The current cost of creating a new unit after taking into account grants is £90,000.

2. The number of additional units needed across Essex, as a result of the increase in population 2010 – 2020, and keeping the proportion of LD and PSI clients in supported housing at the same level that it is now (45%), is estimated at 200 (Dept. of Health PANSI database).
3. The total cost of creating these units over the period is therefore £18m (indexed).
4. The contribution rate asked for is 10% of the overall cost at £1,800,000, leaving the remaining 90% to be found from other sources.
5. The contribution rate will be the same throughout Essex as the clients are found in all communities. **With a minimum of 44,000 housing units still required to be planned and built the charge per house will be £41.**

### **Social care/health infrastructure Costs**

Historically provision of social care/health services was delivered in Health Centres, Village Halls, Community Centres, sheltered housing communal areas etc. There is a shift now to integrated multi-agency delivery in a variety of locations. However there may still be a need in some instances to build a new facility or to enhance an existing facility for use as a Community Well-being Centre.

Where needed the contribution will be £15 - £30 max. per unit depending upon:

- size of the development
- existing suitable provision within other community or public buildings nearby
- local transport provision.

**The overall contribution for the housing needs of Adult Social Care clients who cannot live independently therefore totals £241 per home.**



## Further Information Available for Registered Social Landlords and Developers

- Homes for Older People Strategy
- Housing for Disabled People Strategy
- Community Wellbeing Strategy
- Supporting People 5 year care strategy and successor documents
- Joint Strategic Needs Assessment
- Mental Health Accommodation Strategy
- Local Strategic Housing Market Assessments

The above information will be posted on the Essex County Council website when it becomes available.

## Highways and Transportation

Historically, Highways and Transportation has been one of the key recipients of developer contributions.

Alongside the consultation on the Developers' Guide the County Council, as Highway Authority for Essex, has been conducting a review of its Highways Development Management policies.

Policies in the new document particularly relevant to developer contributions include DM17 and 18. The complete document will be available on ECC's website shortly.

ECC has been reviewing its priorities in the highways area and has decided that it should give greater priority to providing 'smarter choices' alternatives to private car use. To make efficient use of the transport network this is likely to increase the priority given to travel planning and monitoring to help enhance modal choice.

ECC will be employing a sequential test in which measures such as workplace and residential travel planning are likely to be looked at first, then schemes designed to enhance walking and cycling, public transport and then highway work. In the short term it is the County Council's strong preference that such works should be undertaken where possible by the developer. The acceptance by the County Council of financial contributions from developers for ECC to carry out the work is a less favoured option at least in the short term (to April 2014)

### **Workplace Travel Planning**

Travel Plans are long term travel management strategies, designed to manage the demand for trips and promote travel choice. They can be devised for businesses, education establishments, retail, leisure and residential developments or individuals or groups of individuals.

Travel Plans cover sustainable transport opportunities such as walking, cycling, public transport and car sharing. They also encourage employers to consider introducing such practices as flexible and home working. They contain targets and identify measurable outcomes, with arrangements for monitoring the progress of the plan and actions to be agreed in the event that targets are not met.

It should be noted that planning conditions and obligations will be required to ensure that a Travel Plan is implemented at a development, particularly if it is large and complex. 'Mode share' targets will be specified as part of the Travel Plan within the Section 106 agreement.

Developers are required to pay a monitoring fee of £3,000 for Travel Plans which are secured through the planning process. This is to cover ongoing supervision of the Travel Plan and assistance with the development of the owners' monitoring reports for the first five years of occupancy.

Developers are required to pay a monitoring fee of £3,000 for Travel Plans which are secured through the planning process. Travel Plans will be reviewed, monitored and where applicable, accredited with a Bronze, Silver, or Gold standard Award. These awards will reflect the business, or organisations efforts in the promotion and development of their Travel Plan, ensuring that it remains an active document. Accredited organisations are eligible to apply to the Sustainable Travel Planning Team for a match funded grant of up to £2000 towards further Travel Plan improvement measures, such as pool bike fleets or car share schemes.

### **Residential Travel Planning**

Developers are required to supply a Residential Travel Information Pack for each dwelling on all new residential developments. This includes the provision of an information booklet promoting the convenience of bus travel and the benefits of sustainable transport, and containing information about public transport, walking and cycling routes to the Development, car sharing, community transport and taxi services. Plus bus timetables on CD ROM and the provision of free local bus travel (where applicable). This could take the form of scratch card tickets or annual season tickets, only applicable where there is a suitable network of public transport such as in the main urban centres in the county.

To find out more about Travel Planning call 0845 603 7631 or email the [travelplanteam@essex.gov.uk](mailto:travelplanteam@essex.gov.uk)

### **Public Transport**

Essex County Council as Local Transport Authority has responsibilities for public transport arising from legislation including the Transport Act 1985, the Transport Act 2000, the Traffic Management Act 2004 and the Local Transport Act 2008. The Council has published its Road Passenger Transport Strategy adopted as part of its Local Transport Plan. The Council's policies for dealing with the public transport issues arising from new developments are described in these documents.

Where small scale developments are located near to frequent current bus routes, development funding may be required to improve existing bus stops to County standards. These standards include the provision of footway access, raised access kerbs, dropped kerbs and where necessary central pedestrian refuges at safe crossing points, bus stop signs and timetable cases, passenger shelters and real time passenger information. For larger developments, diversions to existing bus routes or new services will be required to ensure that walking distances to bus stops are sufficiently attractive and accessible to all so as to encourage modal shift. Bus services should be provided at first occupation

Recognising that many households will still require parking for private cars, adequate provision for unimpeded through routing of buses from the commencement of development will be required with parking restrictions made clear to new residents prior to adoption of roads.

This will be negotiated at the time of the planning application and will form part of their sustainable transport commitments. There may also be a need to fund bus services for new residents to travel on including, for example, route extensions.

### **Standard Charges and the Community Infrastructure Levy (CIL) for Highways and Transport**

Both Standard Charges and the CIL are likely to result in major changes in the way that developer funding will be collected for highways and transport. As well as negotiations over section 106 contributions, developers will also pay an across the board Levy for each square metre of development built. Section 106 will be confined to work needed within the confines of the development site, whilst the Levy will pay for highways and transport improvements across the district proportionate to the overall increase in population and traffic.

Expenditure of the Levy will follow the policies and schemes approved in the district's Core Strategy and detailed in the transport development documents. The CIL charge will therefore differ in each district according to its need for new highways and transport infrastructure. The

CIL will not pay for the entirety of new infrastructure needed, but will be aggregated with other monies the County Council may be able to obtain to pay for the improvements.

The Local Transport Act of 2008, requires English local transport authorities (outside London) to produce and review regularly a Local Transport Plan which identifies their transport policies and how these will be delivered.

In April 2011, the third Essex Local Transport Plan (LTP3) will set out the Council's long-term strategy for delivering a transport network and services which support sustainable economic growth and improve quality of life in Essex. The LTP3 and the policies contained within it will cover both revenue spending on transport services and capital investment.

Accompanying this strategy will be a short-term Implementation Plan, which will identify priorities for investment over the plan period (based on evidence of need and consultation findings). These will inform the development of a costed programme of infrastructure improvements.

ECC is currently working on Local Transport Plan 3 for adoption in April 2011. It will be particularly important in the current financial situation that LTP3 programmes and developer contributions under Section 106 or CIL or a replacement for CIL are brought together in a way which optimises the benefits for Essex.

### **Maintenance Payments**

There will still be a need to provide for the maintenance of transport infrastructure and developers will be expected to contribute the full maintenance costs where the highway scheme is purely to facilitate access to the development, rather than assisting with the overall movement and capacity of the network. These payments will be required for:

- **Traffic signals**

The maintenance of any highway scheme provided by a developer needs to be considered .If the highway scheme is purely to facilitate access to the development, rather than assisting with the overall movement and capacity of the network, the maintenance costs will be borne by the developer.

- **Public transport**

To secure the longer term maintenance of the infrastructure, 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 years from the date of acceptance and take over of public transport infrastructure by ECC on a site. “Pump priming” of new bus service provision may also be required.

- **Street lighting**

Developers may wish to enhance their proposed developments by utilising street lighting lanterns not contained within Essex County Council Standard Specifications . Provided that the roads to be illuminated can be lit to the British Standard utilising a lantern chosen from the ECC’s Select List this is acceptable. The Select List is an approved list of non-standard street lanterns and provides the commuted sum that the developer must pay for the lantern chosen.

- **Drainage**

The means of drainage of surface water from the road must be assessed. Ideally, the road water should drain into a Public Sewer (adopted by Water Authority), or a dedicated Highway Drain (adopted by the Highway Authority). Alternatively, drainage easements may be considered if the road water drains into a private system. Where there is deviation from the required method, and if the alternative method is acceptable to the Highway Authority, a commuted sum will be required. Therefore for any non standard drainage solutions these will be subject to a commuted sum payment.

- **Trees**

Any trees proposed within the highway must be agreed with the Highway Authority and sited clear of all underground services and visibility sight splays and must be laid out to complement the street lighting scheme. All proposed tree planting must be financially supported by the developer, this to be set at a realistic level, to be agreed with the Highway Authority, this payment will cover the cost of future maintenance for a multi-year period.

### **Provision of technical work**

Each development site that proposes 50 dwellings or more, or commercial development that generates equivalent or higher traffic flows, will require a full Transport Assessment (TA) or a Transport Statement (TS). The assessment will identify the impact of the development in order to make the site sustainable in transport terms and therefore acceptable to the Highway Authority. Early discussions with the Highway Authority are recommended to scope the parameters of any TA or TS.

The TA or TS will be used to identify mitigation measures associated with the development which the developer will be asked to fund in total or part, depending on the measures identified. Such measures could include additional highway infrastructure, including cycleways and footpaths, network management measures and enhanced public transport provision.

Small scale developments, in particular those in urban and town centre locations, will have a cumulative impact on existing transport infrastructure. Given the scale of this type of development in most cases it is unlikely that a TA/TS will be required. However, to deal with the cumulative impact contributions will be sought to fund the local measures. These will be identified in developing Core Strategies and Local Development Frameworks. Accessibility to public transport should still be considered.

## **Working with District Councils**

The County Council is also working closely on long-term transport plans with the Essex district authorities, developing ‘Core Strategies’ and other supporting documents. This work assesses the overall impact of development and identifies solutions to worsening congestion, including better passenger transport, cycle ways and footpaths.

## **Waste management**

### **Background**

The County Council has overall responsibility for waste planning and disposal in Essex, except in the unitary authority areas of Southend on Sea and Thurrock. The County Council is directly responsible for providing and managing the county’s 23 Recycling Centres for Household Waste and acts jointly with the 12 District and Borough councils in managing household waste. The 12 Districts and Boroughs are responsible for waste collection. The unitary authorities of Southend on Sea and Thurrock have a combined role for waste planning, collection and disposal within their respective administrative areas.

The County Council and the 12 District/Borough Councils have produced a Joint Municipal Waste Management Strategy for Essex. The Strategy sets out how waste will be managed in the future. Essex favours an approach to waste management that is led by waste minimisation, has high levels of recycling and Mechanical Biological Treatment (MBT). This approach is also necessary to meet the requirements of the Waste and Emissions Trading (WET) Act 2003 that implements the European Landfill Directive.

### **Identified needs**

Projections for waste arisings over the next 25 years suggest unsustainably high impacts for Essex and Southend, both in financial and environmental terms. Historically, the majority of



waste arisings have been landfilled; however, the Essex councils recognise that this is no longer a pragmatic or desirable means of managing untreated waste in the future.

Landfill tax is currently £48 a tonne (in 2010/11) and is expected to rise by £8 a tonne a year to £80 a tonne by 2014. The cost of waste disposal per tonne for municipal waste in 2009/10 was £70. Each household produces approximately 1.1 tonnes of household waste per annum.

If the County fails to keep biodegradable municipal waste landfilled under the targets set for Essex through the Landfill Allowance Trading Scheme (LATS) the government will levy penalties of £150 a tonne. Essex and Southend have been successful in an application for PFI credits which will support the development of capital infrastructure which is essential for the successful delivery of the waste management strategies of Essex and Southend, resulting in increased recycling and diversion of biodegradable waste currently sent to landfill.

This new approach to waste management has considerable financial implications.

### **Assessing contributions**

The cost of a new and modified waste management network, forecast to be required by 2012, is £187m. This waste management network is likely to consist of one mechanical biological treatment (MBT) plant, six satellite transfer stations, one anaerobic digestion facility, one in-vessel composting facility and a network of easily accessible Recycling Centres for Household Waste (RCHW.)

In order to raise sufficient capital to extend the waste management network to meet waste management needs imposed by the new development, local authorities should request pro-rata contributions to the capital expenditure required. Developers of new households will therefore be asked to contribute an amount no greater than the contribution made by all existing households.

Set out below is the methodology for the appropriate contribution:

- Residential development - class C3.
- Capital cost of a new waste management network for 2012 to 2037 - £187m
- Capital cost (£187m) divided by the expected total number of Essex households in 2012  
- 614,000 households

**Contribution per new dwelling = £305**

The contribution will be reviewed when contracts for the new build waste management network are awarded and the actual costs are known.

## Green Infrastructure

### Background

Green Infrastructure can be seen as the county's life support system –a network of environmental components that lies within and between towns and villages providing multiple social, economic and environmental benefits. In the same way that a transport system is made up of a network of roads, rail and airports, Green Infrastructure has its own components of open spaces, country parks, historic landscapes, nature reserves, rivers, the coast, woodlands, village greens, agricultural land, churchyards, allotments and gardens linked by a network of greenways.

As the population of Essex continues to grow significantly we need to ensure that our environment is protected and enhanced for current and future generations to enjoy.

High quality well designed multi-functional green infrastructure provides a wide range of social, economic and environmental benefits for Essex residents and visitors, including:

- **Social benefits** – quality of life, ‘sense of place’, local character and identity and access to nature;
- **Health benefits** – facilitating and promoting active lifestyles, for example cycling, walking and water based recreational activities
- **Environmental benefits** – climate change mitigation and adaptation, habitat and species protection and enhancement, water and flood risk management, air quality improvement and robustness of our environment to cope with climate change
- **Economic benefits** encouraging inward investment and raising property values.

Evidence for the catalytic ability of high quality and accessible green spaces and networks to deliver economic, social and environmental benefits is now well- established and increasingly recognised, both in the UK and globally.

‘Local functioning green space is vital for all. There is evidence that use of such space is directly correlated with closeness of provision to homes. Developers should take account of the vital role that local green space or nature provides and regard green space provision as part of the future economic regeneration of our urban and rural areas’ ‘Green Spaces – Measuring the Benefits, drawing on case studies from the East of England National Trust’

Green Infrastructure should be provided as an integral part of all new development, alongside other traditional infrastructure, such as utilities and transport networks.

### **Identified needs**

PPG17 recommended that local authorities carry out assessments and audits to identify deficits or surpluses in the provision of open space (including natural and semi-natural green space), sports and recreational facilities. The Companion Guide to PPG17 highlights the use of Natural England’s Accessible Natural Greenspace Standard (ANGSt) as the model to assess the provision of natural and semi-natural green space, although it does not constrain local authorities from developing alternative approaches.

## Natural England's Accessible Natural Greenspace standards (ANGSt)

These standards provide a set of benchmarks for ensuring access to places near where to people live. Table 1 outlines the standards.

### Table 1: Accessible Natural Greenspace Standards (ANGSt)

Natural England's ANGSt state that:

- no person should live more than 300m from their nearest area of accessible natural green space of at least 2ha in size;
- there should be at least one accessible 20ha site within 2km of home;
- there should be one accessible 100ha site within 5km of home;
- there should be one accessible 500ha site within 10km of their home

Accessible natural green space is land, water or geological features which have been naturally colonised by plants and animals and which are accessible on foot to large numbers of people.

This could include (but is not exclusively) nature conservation areas, Local Sites, Local Nature Reserves, woodlands, coast, rivers, country parks, allotments and formal open space.

The *Analysis of Accessible Natural Greenspace Provision for Essex* (Essex Wildlife Trust 2009) identified the relatively low provision of small, local, sites (2 - 20 Ha). Across Essex, only 29% of households are within 5 minutes walk of an accessible natural green space; whereas 69% of households are with 2 km of a 20 hectare site and within 5 km of a 100 hectare site. Only 23% of Essex households are within 10km of a 500 hectare site.

This is based on sites with unrestricted entry, and does not include those with known access restrictions, e.g. restricted opening hours, entrance fees or footpath only.

Essex County Council supports this approach and will only support those green spaces which are open to the public.

## Methodology

It is recognised that these standards are aspirational and to ensure all household meet the ANGST standards would require a disproportionate amount of green space creation. However there is considerable room for increased green space provision to improve the standards in those areas where new housing will be developed.

**Table 2: Number and cost of Greenspaces to begin to meet ANGST standards in Essex**

<b>Greenspace area (Minimum)</b>	<b>Proposed number</b>	<b>Cost*</b>
2 hectares	12	£1,344,000
20 hectares	5	£3,316,000
100 hectares	2	£7,920,000
500 hectares	1	£10,000,000
<b>TOTALS</b>	<b>20</b>	<b>£22,580,000</b>

(\* Costs based on the Strategic Greenspace and Woodland cost in the Central Beds Planning Obligations SPD 2009).

**Contribution per new dwelling = £513 (based on 44,000 new dwellings up to 2021)**

## *Notes*

These proposed numbers of green spaces should be seen as a guide as the delivery of such sites will be determined by available land.

These contributions could buy land adjacent to existing green spaces thus increasing the size of the overall area of green space.

These contributions can be spent on enhancing existing green space, creating better access to new and existing green space and developing access links between new and existing green space and local communities.

These figures do not include Thurrock and Southend unitary authorities.

## **Public art**

It is 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 the identification of local context opportunities, community collaboration, site appraisals, contributing to design teams, master plans and other development partnerships.

Essex County Council has a longstanding commitment to the commissioning of public art as part of its Capital Development Programme. This has included headline projects related to art in architecture and highways programmes, with Essex gaining recognition on a national level for quality and strategic focus. This is an integral part of the Essex Design Initiative and forms part of our strategy to enhance and improve the image of the County of Essex nationally and

internationally, as an exciting, forward looking and developing location.

ECC has established a Public Art Common Fund to improve efficiency of strategic planning and delivery of public art projects. By streamlining the process we will create;

- Strategic planning of public art expenditure;
- The creating of landmark schemes where appropriate
- Efficient delivery of small number of high impact projects (max 10 per year)

However, there are limitations as to what the County Council can achieve on its own with limited resources. Private developments have a major role to play as well, in enhancing the environment for communities with the use appropriate art work.

The County Council will encourage all private sector developments to include the concept of integrating art within their schemes. This can manifest itself in many forms such as:

- large scale three-dimensional artworks such as sculpture
- gateway and water features, which can also act as focal points or navigational features within an estate
- street furniture, which can make a contribution by the sensitive use of fencing, paving, railings, security screening, tree grills, lighting and bollards.

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.

The following outlines the general approach to development contributions for Public Art as set out in the 'Urban Place Supplement':

- in every development on sites over 0.1 ha the inclusion of artists and artworks is strongly recommended
- as a guideline 1% of the total development cost (including fees, but excluding cost of borrowing) should be allocated for art
- in larger developments greater than one hectare in area, or where more than ten homes are created, or where the total floor space is more than 1,000 square meters, the contribution of 1% will be a requirement where adopted by the local planning authority.

The Public Art Team lead the delivery of Essex County Council'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 a County Council funded programme, through liaison with Districts & 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.

The Urban Place Supplement is available at:

[http://www.the-edi.co.uk/?section=publications\\_UPS](http://www.the-edi.co.uk/?section=publications_UPS)



## GLOSSARY

Affordable Homes	Dwellings provided at a cost below open market prices and commonly provided in association with Registered Social Landlords. Such homes may include shared ownership schemes as well as traditional social rented properties and some are reserved for people in the community who cannot live independently.
CLG	Department of Communities and Local Government
Charging Schedule	A document to be produced by a Planning Authority, following consultation with the appropriate infrastructure providers, setting the proposed level(s) of the CIL. A planning inspector will examine the proposed CIL in relation to its impact on the viability of development.
CIL	Community Infrastructure Levy, the new statutory method of collecting developer funding detailed in the Planning Act 2008, which was due to be introduced from April 2010
‘Contribution’	A developer may be obliged to make a monetary contribution towards infrastructure needed to make a development acceptable in planning terms
District	A District or Borough Council
EA	Environment Agency

Early Years & Childcare	The County Council statutory service which organises childcare and learning for pre-school children (EY&C)
East of England Plan	The overarching Plan for the East of England which (RSS) includes housing targets for 2001-2021 and beyond
EEDA	East of England Development Agency
ECC	Essex County Council
EPOA	Essex Planning Officers' Association, the professional association for Planners working in Essex
ERO	Essex Records Office
'Essex Works'	The County Council's set of corporate objectives
'Every Child Matters'	A programme of change shared by all the agencies concerned to improve outcomes for children and young people
Highways & Transportation	The department in ECC responsible for all matters relating to roads, transport, transport planning, cycle ways, footpaths and bridleways
Infrastructure	Public buildings, roads, open spaces and parks, flood defences, police stations, fire stations and other structures in the public domain which may be funded by developer contributions or the CIL levy

LDF	Local Development Framework, the suite of strategies, policies and supporting documents which make up a district's plans for its future
Local Planning Authority	An authority which is invested with the power to make binding planning decisions, such as a District, Borough or Unitary Council
MLA	Museums, Libraries and Archives (Council)
PCT	Primary Care Trust
Planning Obligations	A developer may have to comply with certain obligations to make a development acceptable in planning terms, which could include section 106 monetary contributions or work-in-kind
'Pooling' contributions	Planning contributions may be 'pooled' by a planning authority in order to fund permitted infrastructure which could not be funded by an individual contribution
'Section 106'	The Section in the Town and Country Planning Act 1990 which gives Local Planning Authorities the right to seek contributions from developers to make their development acceptable in planning terms
SPD	Supplementary Planning Document, a document which contributes towards the LDF

Standard Charge	An alternative method of collecting developer contributions under S106 of the Town & Country Planning Act by making a charge on all new homes and commercial buildings built by developers in an area
Urban Place Supplement	The advisory reference book produced by the ECC Built Environment team which encourages high standards of urban design and sustainability
Waste Management	The ECC statutory service which works closely with district councils to dispose of waste in sustainable ways
Youth Service	The ECC service which provides and coordinates facilities and activities for young people normally in the age range 13-19

## Key Contacts

Keith Lawson – Head of Development Management

01245 437123

[Keith.Lawson@essex.gov.uk](mailto:Keith.Lawson@essex.gov.uk)

Keith Blackburn- Senior Infrastructure Funding Officer - Highways & Transportation

01245 437558

[Keith.Blackburn@essex.gov.uk](mailto:Keith.Blackburn@essex.gov.uk)

Blaise Gammie - Strategic Planning Officer – Schools, Children & Families

01245 436725

[Blaise.Gammie@essex.gov.uk](mailto:Blaise.Gammie@essex.gov.uk)

**This document is published by Essex County Council.**

You can contact us in the following ways:

**By post:**

Development Management  
Environment, Sustainability and Highways  
Essex County Council  
County Hall, Chelmsford Essex CM1 1QH

**By telephone:**

01245 437558 or 0845 603 7624

**By fax:**

01245 280356

**By email:**

[keith.blackburn@essex.gov.uk](mailto:keith.blackburn@essex.gov.uk)

**Minicom:**

0845 743 0430

**Visit our website:**

[www.essex.gov.uk](http://www.essex.gov.uk)

The information contained in this document can be translated, and/  
or made available in alternative formats, on request.

Published February 2010



75% recycled paper