

Developers Guide to Infrastructure Contributions

Public Consultation Document 2010 Edition



Essex County Council

DEVELOPER'S GUIDE

to Infrastructure Contributions

2010 Edition

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Foreword

In May 2008, Essex County Council published its first Developers' Guide setting out for the first time, in a single document, the Council's expectations for contributions from developers towards the infrastructure required by their developments.

At the time we indicated that we would be revising the Guide at regular intervals to ensure it remained fully up to date. Equally we indicated that we would carry out a similar public consultation with Districts and Boroughs, parishes, developers as we had before completing the initial Guide when we revise the Guide.

The document that I am commending to you here maintains that commitment to consultation before we produce the definitive version of the new Guide which we expect to be around the start of the 2010/11 financial year.

We are aware that the background against which this document is appearing may be changing radically. The government has put forward plans for a Community Infrastructure Levy (CIL) which could replace the current Developer Contribution regime. Even if CIL is introduced, on which there must be some doubt, the current arrangements will continue for some time, probably for between 2 and 4 years so the new Guide, when the definitive edition appears, will continue in force until then.

The second document involved in this consultation is an independent sustainability appraisal of the consultation document which we have had carried out. This can be downloaded from the County Council website at the following address

We have set a date of March 23 for consultees to submit views and I look forward to receiving your views.

Cllr J Jowers
ECC Cabinet member
for Planning

Cover illustration: Construction work on Harlow First Avenue bus lane- part funded by developer contributions.

Introduction

What is the 'Developer's Guide'?

This is the second edition of the Essex 'Developer's Guide', which replaces the edition of April 2008 (DS07 1288). It details the scope and range of the financial contributions which Essex County Council will seek from developers in order to make their development acceptable in planning terms. These contributions are currently negotiated between planning authorities and developers using 'Section 106' agreements. This edition anticipates the likely introduction of Standard Charges and the 'Community Infrastructure Levy' (CIL) in Essex.

The Purpose of this Guide

This Guide is recommended to Essex Local Planning Authorities for use in working up their Standard Charge and CIL Schedules. Developers should use it alongside the Core Strategies and LDDs (Local Development Documents) produced by the district councils. Early contact with the appropriate local authority is recommended to ensure that more detailed and/or specific advice has not been missed.

The Guide will assist developers and Local Planning Authorities identify the range and likely level of contribution that the County Council will seek to meet the impact on infrastructure by new development proposals. It will promote a consistent and transparent approach so people will be able to see and understand how development in their area is making a fair and positive contribution to the community.

How does the County Council Stand in Relation to District Planning Authorities?

There are twelve district councils and two unitary authorities in Greater Essex. The district councils and unitary authorities have their own developer contribution requirements for Affordable Housing and other supporting infrastructure, which are detailed in their own development policies. Essex County Council (ECC), as the Highway Authority throughout the County, comments on and influences planning decisions in respect of highways and transport, and as the Local Education Authority for the County, ensures there will be adequate provision of places for all school-age pupils. Requests for developer contributions for school places and highway and transport improvements are submitted via the local district planning teams.

As the district councils are the Local Planning Authorities, (other than for Waste and Minerals which remain with the County Council), it is they who will normally be the determining authority on decisions as to whether an individual development proposal is acceptable in planning terms. They will also have the authority to decide if and when a Community Infrastructure Levy will be introduced, subject to the government's own timetable. The County Council continues to work closely with each district council in order to ensure that the infrastructure needs of its services are included in Section 106 agreements and in future CILs. Therefore, this Guide should be read in conjunction with the appropriate District's guidance to applicants for planning permissions.

Consultation with Other Authorities and Developers

In developing this Guide the County Council has worked with The Essex Planning Officers Association, which represents the twelve local planning authorities. 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 Government Office for the East of England, the East of England Assembly, the District and Parish Councils in Essex and the development industry. The consultation ran from 16/02/10 to 30/03/10. The main outcomes of the consultation were

The Status of the Developers' Guide

The Guide has been approved by the Essex County Council Cabinet Member for Localism and Planning as a 'County Policy Document.' It has also been formally adopted as 'County Supplementary Guidance' by the Local Planning Authorities within Essex, which means it will be given 'material consideration' when they consider it within their Supplementary Planning Documents Core Strategy.

Part 1 – Context and Policy

Regional Policy

Stretched infrastructure

The provision of supporting infrastructure for the planned development contained in the Regional Spatial Strategy (RSS) was a fundamental issue at the ‘East of England Plan’ Inquiry and a concern voiced by many participants. The Inspector’s report was considered by the Government, who issued their response in the form of the Secretary of State’s proposed ‘Changes to the Draft Revision’ to the RSS. This concentrated on the regional aspects of the Plan and looked to the local planning process to articulate and deliver in partnership, the necessary sub-regional and local infrastructure. The final Plan was published in early 2008. The RSS is currently being reviewed.

Housing Targets

The Plan identified the scale of development and growth in the East of England to 2021. In Essex it required that 127,000 new homes be provided in the period to 2021, of which 102,000 would be within the Essex County Council boundary. By April 2009 36,092 of these had been built, with a further 21,888 planned, leaving approximately 44,000 homes minimum still to be planned and built, mainly in Harlow, Chelmsford and Basildon. This scale of growth is already causing severe pressure on many of the County’s roads and other public services. The RSS review has provided preliminary housing growth scenarios for the next ten year period 2021-31.

Legal and Planning Policy Context

ODPM Circular 05/2005

In July 2005 the Office of the Deputy Prime Minister issued Circular 05/2005. The circular deals with planning obligations made under section 106 of the Town and Country Planning Act, amended by the Planning and Compulsory Purchase Act 2004.

The circular identifies five tests that a planning obligation must meet:

- be relevant to planning;
- be necessary to make the proposed development acceptable in planning terms;
- be directly related to the proposed development;
- be fair and reasonably related in scale and kind to the proposed development;
- be 'reasonable' in all other respects.

Importantly the circular gives guidance on a number of issues, such as mitigating the impact of development, maintenance payments and pooled contributions. In order to allow developers to predict as accurately as possible the likely contributions they will be asked to pay, as much information as possible should be provided in pre-application discussions and applications.

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.

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.

How the County Council uses ‘Section 106’ now

Currently ECC receives developer contributions for all aspects of transport and travel, including road improvements, passenger transport services, cycleways and footpaths. It also receives contributions towards additional places in schools and in new school buildings.

Contributions for highways and transport totalled £14.6m during the last four years (2004 – 2008), in addition to works-in-kind worth a still greater sum. Developers have also contributed approximately £50m since the year 2000 to enlarge and create new schools, of which £26m has been spent.

ECC Services Which Need More Built Infrastructure

This Guide covers a range of services provided by Essex County Council. Whilst planners and developers have usually agreed that contributions towards the cost of roads, transport and school places are essential to making a development acceptable, there are several other county council services which are highly valued by communities. These include ‘Early Years’ nurseries, supported housing, libraries,

adult learning colleges, youth services and historic records. All these services are experiencing greater demand for their services as the population of Essex increases, with a consequent need for more built infrastructure. The government's regulations for a Community Infrastructure Levy broaden the range of community infrastructure for which developer funding can be applied, and the above services deserve serious consideration when standard charges are being assessed.

Any contributions from section 106 towards these services will be confined to priority areas within the county, after existing spare capacity and other sources of funding have already been taken into account. Requests for funding for these services will be proportionate to the increase in demand.

A further vital service provided by ECC is waste management. Capital investment is key to dealing with the increasing throughput, mainly created by the rise in population. Proportionate help with meeting the cost of the new facilities will be sought.

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

Working with District Councils on Local Development Frameworks

The previous Planning Act of 2004 made each district responsible for producing a portfolio of planning documents known as the 'Local Development Framework' (LDF) for its area. The key document in the LDF is the 'Core Strategy' for the district, which is examined in public by an independent inspector. The LDFs look ahead for up to 15 years. The LDF is pivotal to the preparations for standard charges and for the new Community Infrastructure Levy. The documents within it must specify details of the infrastructure deemed necessary to accommodate any new development and can include infrastructure which is neither within the confines of the development site or adjacent to it. The Community Infrastructure Levy will therefore be able to deal with pressure points on roads away from developments, but created by the accumulated increase in traffic caused by them. However, the charges made on developers must be proportionate.

As Education and Highways Authority ECC already works very closely with the district planners on the compilation of their Local Development Frameworks. This cooperation is now extending to all the community services previously mentioned. As of January 2010 only two out of the twelve Essex District Councils had reached the point of having their Core Strategies approved by an inspector. These were Chelmsford and Colchester. However, all the other districts are continuing to progress their LDFs. Investigations have been made on the need for more infrastructure proportionate with the increase in housing and population. The suite of planning documents resulting from this work therefore includes much information contributed by ECC.

The Community Infrastructure Levy

It is clear that the current Government expects landowners to make a greater contribution to funding community infrastructure from the increase in land value which arises when a planning consent is granted. The 'Community Infrastructure Levy' (CIL) will capture some of this uplift in value of land, with a corresponding scale back in the scope of section 106 agreements

The governmental provisions for the CIL can be found in Section 11 of the Planning Act, 2008. A CIL breaks the direct link between the site of the development and a developer's obligations, replacing it with an across-the-board levy throughout a whole district. Districts preparing a CIL must now draw up a 'Charging Schedule', subject to independent inspection, before they can implement their CIL. An independent inspector will rule on the viability of the overall Levy. There will be a fine balance in weighing the necessity for extra infrastructure against the developer's need to operate as a profitable business. The Levy will result in a charge per square metre on all new buildings with more than 100 sq. metres of floor space, except for buildings owned by registered charities. This Guide includes information on most of the charges which the County Council will seek if and when a CIL is introduced.

Application of the Developer's Guide

Whether the consideration is of a single dwelling or a major development it will be necessary to identify the impact on services before applying the appropriate contribution. For instance, if there were sufficient school places in an area to serve the proposal, then no charge would apply. Where the proposal forms part of a larger provision that will require additional facilities, then it is reasonable to ask for a

contribution. If no standard charge appears in the Guide then the impact of the development on that Service will be assessed on a case by case basis using Section 106.

Key contacts

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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 either by work-in-kind constructed by the developer, or a financial contribution. In the case of services such as education or health 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, or at a preliminary stage 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 with a standard charge 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 as the CIL is introduced. Pooling facilitated the provision of infrastructure needed to meet the cumulative impact of a 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 a standard Legal Agreement 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.

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, where developers can demonstrate need.

Essex Design Guide and the Urban Place Supplement

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

Part 3 – Details of contributions for each service area

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 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 Children Schools & Families (DCSF) 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 DCFS 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. A feasibility study will be commissioned to determine the exact scope of the works and produce a bespoke cost. Depending on the size of 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. The process 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 local Learning and Skills Council are currently responsible for post sixteen provision but many of their duties will pass to ECC in 2010. The majority of Essex secondary schools have a sixth form and as such 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. There must, for example, be a presumption against providing car pick up or drop off points.

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.

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 30m² 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 2009 - £298.85

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) = £2,437 per sq.m –

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based on RICS BCIS Tender Price Index (January 2008)

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

TOTAL building cost = £3,637 per sq.m

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

Average stock item price = £10.06 – based on Holt Jackson book price index (September 2008)

Cost per 1,000 population : Building – Total cost x 30 sq.m = £109,110

Stock – Items per 1,000 population x Average price per item = £15,412

Total = £124,522

Contribution per dwelling : Cost per person = £124.522

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

Cost per dwelling = £298.85

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 of 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 2009 - £105.94

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 = £2,500 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 = £3,789 per sq.m

Therefore; Cost per student = £8,828 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 = £8,828 per sq.m

Multiplied by proportion of Essex population who are F/T students $\times 0.005 = £44.14$ per person

Average number of persons per dwelling = 2.4 [Regional average house occupancy] $2.4 \times £44.14 = £100$

Cost per dwelling = £ 105.94

Integrated Youth Services

The former ECC Youth Service has undergone changes recently as a result of national and local reorganisations. The Integrated Youth Services (IYS) is a coming together of the Connexions Service and other youth services in Essex.

Integrated Youth Services is 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.

IYS brings 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 IYS:

- Provide access to universal information, 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, one stop shops, outdoor centres, mobile units and information points. Critical to the work of IYS is working with and involving partners, particularly young people, who are fully involved in service design, delivery, governance and evaluation of our services.

At the time of writing it is difficult for the Service to estimate what accommodation it may need to expand its facilities for young new residents in the County. However, there will be a need for a variety of accommodation which the new service may ask for a standard charge for in some areas, using a similar formula to the one detailed above for Adult Learning.

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 meters of new archive space per 1,000 population.

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

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.** 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

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

General policy on Planning Gain

The County Council, as Highway Authority for Essex, is responsible for the management and maintenance of all adopted roads within the county other than those designated as trunk roads (A12, A120) and motorways (M11, M25). It is also a statutory consultee to the planning process under the Town and Country Planning General Development Order 1988.

The Council's Development Control Policies include the following policy on Planning Obligations: ***'Developers will be required to finance the cost of mitigating the impact of their development'***.

The policy states that:

1. In securing planning gain the County Council will have regard to the Local Transport Plan and transport strategies within the Borough and District Council Local Development Frameworks and Local Development Documents.
2. Whilst this will take account of Circular 05/2005 the wider impact of development on the transport network must be acknowledged. The County Council is developing a contribution approach to funding this wider impact.
3. Contributions will be collected to fund the transport strategies contained within the respective Local Development Frameworks and Local Development Documents.
4. These contributions are in addition to the cost of mitigating the impact of the development. Exceptions may be made where development costs are excessive e.g. at brown field sites which require a substantial amount of decontamination.

The Council has agreed approximately £3.7m worth of contributions on average each year over the last four years, not including bonds and work in kind, from developers to make their developments acceptable in planning terms.

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, cycleways and footpaths.

Current practice to identify Site-Related and Local Area Impact

The Highway Authority Requirements state that:

- Each development will be considered on its impact on the highway network in terms of policy, safety, capacity and accessibility.
- The highway network has Development Control Policies that protect its routes and these will be applied when considering development.
- Any proposed highways works required for development will need to be designed to the highest geometric standards therefore optimising highway safety
- Any development proposal will be tested against existing capacity to ensure that we have reliable highway infrastructure and minimise congestion on the highway network
- All development will be subject to a sustainability test that will consider whether the development is accessible and to ensure that modal choice is available with the aim to eliminate private car dependency to ensure development is accessible to all.

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.

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 and annual bus season tickets provided for each household member.

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 even prior to adoption of roads.

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 supplied for business, education establishments, retail, leisure and residential developments.

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 also 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. To find out more about Workplace Travel Planning call 0845 603 7631 or email the travelplanteam@essex.gov.uk

Residential Travel Planning

The Transport Information and Marketing Scheme and Residential Season Ticket Provision is applicable to all residential applications of 10 or more dwellings. Developers will be required to produce a Transport Information and Marketing Scheme for each dwelling. The pack should contain information about walking and cycling routes to the development, details on car sharing, community transport, taxis and school transport plus public transport information including current timetables. Developers are also required to provide a redeemable voucher for a public transport season ticket, for each eligible member of the residential household. 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 them to travel on including, for example, route extensions.

The Transport and Information Marketing Scheme packs can be purchased from the Essex County Council Workplace Travel Plan Team on 0845 603 7631 or at travelplanteam@essex.gov.uk

Transport Information and Marketing Scheme and Residential Season Ticket Provision

The scheme is applicable to residential applications of more than 10 dwellings. Developers will be required to produce a Transport Information and Marketing Scheme for each dwelling. They will also be required to provide each eligible member of the residential household with a voucher, redeemable for a public transport season ticket. This will be negotiated at the time of the planning application and will form part of their sustainable transport commitments.

Special maintenance payments:

- **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. These costs will include the maintenance of the equipment to the same standard as the Highway Authority for 10 years and making provision for the complete refurbishment of the site after that time, again, to the same standards as the Highway Authority refurbishments at that time.

- **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 10 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 be required.

- **Street lighting**

Developers who wish to enhance their proposed developments by utilising street lighting lanterns that are not contained within Essex County Council Standard Specifications:

Providing the roads to be illuminated can be lit to the British Standard utilising a lantern chosen from the Select List, and providing the developer is prepared to pay a commuted sum to the lantern chosen, the developer may install non-standard lantern which would subsequently be adopted in the normal way. This non standard street lighting solution will be subject to a 10 year commuted sum payment.

- **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 10 year 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 10 year period.

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 just 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 all the new infrastructure needed, but will be aggregated with other monies the County Council may be able to obtain to pay for the improvements, for example from the Local Transport Plan. The example below comes from the Chelmsford District, where a Standard Charge has already been set and approved.

Chelmsford example

In Essex, Chelmsford is the district furthest ahead with its Local Development Framework and its Planning Contributions Supplementary Planning Document has already been approved by a government inspector. The Standard Charge for Highways and Transport is £1,630 per dwelling and £15 per square metre of commercial development (indexed). The money collected will be shared between major schemes in the Borough, tackling congestion hotspots, improving the town's existing rail station, creating an access road and interchange near new housing, creating a new rail station on the outskirts of the town, creating new Park and Ride facilities and putting in place a rapid bus service between a large area of new housing and the town centre.

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.

Through the Waste Management Advisory Board, 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 £40 a tonne (in 2009/10) and is expected to rise at a rate of at least £8a year to £72 a tonne. The cost of waste disposal per tonne for municipal waste in 2008/09 was £64.38. 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 are currently involved in a waste private finance initiative (PFI) procurement exercise. The PFI credits 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 26 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 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

Essex County Council has an Environmental Strategy which embraces many aspects of the wider environment including:

- sustainability, in its own building and projects and through its responses to spatial planning consultations
- biodiversity, through the Biodiversity Project and the biological records centre (both in partnership with Essex Wildlife Trust), the Woodland Strategy, conservation projects at Country Parks and the wildflower verges project
- climate change, including public awareness campaigns and design advice from the Urban Design team.

The Council employs two ecologists and a team of arbouriculturists who give advice to district councils and members of the public.

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

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, due to be enacted from April 2010
Circular 05/05	Planning Circular about Section 106 developer contributions from the then Office of the Deputy Prime Minister issued in May 2005
'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 includes housing targets for 2001-2021 and beyond

EEDA	East of England Development Agency
ECC EPOA	Essex County Council 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, cycleways, 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
Integrated Youth Service	The ECC service which provides and coordinates facilities and activities for young people normally in the age range 13-19
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

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