

Forward Plan reference number: FP/137/08/21

Report title: Design standards for ECC development proposals	
Report to: Cllr Lesley Wagland - Cabinet Member for Economic Renewal, Infrastructure and Planning	
Report author: Steve Evison - Director for Sustainable Growth	
Date: 20 January 2022	For: Decision
Enquiries to: Richard Greaves, Chief Planning Officer (County Planning and Major Development) richard.greaves@essex.gov.uk	
County Divisions affected: All Essex	

1. Everyone's Essex

- 1.1 The report seeks to establish a clear planning policy position for ECC in relation to the expectation that ECC will use design guidance to help further improve the quality of development, especially school development, delivered by the Council.
- 1.2 The report provides a summary of the changing national context and importance placed on seeking to improve the quality of what gets built. The fourth revision to the National Planning Policy Framework (NPPF) (4) issued on 20 July 2021 outlines the importance of good design and place-making and makes clear, where no guidance or policy exists locally, the national guidance will prevail. To date ECC in our role as the Developer of schemes (schools, roads, housing etc) has neither formally adopted either the use of Essex Design Guide or the use of the Essex Quality Review Panel¹. This report, amongst other matters, seeks to regularise ECC's approach to help maximise the design quality of development schemes is puts forward in applications to the County Planning Authority for determination. We are very fortunate in Essex to already have both the Essex Design Guide and the Essex Quality Review Panel operational and in place which most Essex Local Planning Authorities are already using.

2. Recommendations

- 2.1 Agree that the Essex Design Guide is a material consideration for use both when formulating proposals for development (including school, highway and housing schemes²) and decision-making role as the County Planning Authority.
- 2.2 Agree that major development schemes³ where ECC is the developer are submitted to the Essex Quality Review Panel at the appropriate stage when preparing to submit a planning application.
- 2.3 Agree that the Chief Planning Officer is authorised to update the Essex Developer Contributions Guide to reflect the optimum layout and design practice for school development as set out in the National Model Design Code/Design guidance.

¹ Although currently all ECC housing schemes brought forward adhere to the Essex Design Guide which forms a key part of the instructions to the design teams Essex Housing appoints and manages.

² Only for proposals ECC as County Planning Authority determines. Where other local authorities are the planning authority, Essex Housing will work directly with them.

³ for example all new school proposals or large school extensions in sensitive areas, housing schemes above 5 units, new libraries, major highway schemes and other major proposals that would benefit from independent design advice as agreed the relevant heads of service.

Forward Plan reference number: FP/137/08/21

- 2.4 Agree to take account of the Town and County Planning Association's Garden City principles as set out in paragraph 3.24 of this report when dealing with and responding to Garden Community proposals in Essex.

3 Background

- 3.1 Historically ECC had a very clear position on design and development standards for any new development. This was set out in the Essex Structure Plan. However, the legislation relating to structure plans was repealed many years ago and we have since fulfilled our planning role, as both a strategic and county planning authority, with reliance on legislation, the NPPF and, where applicable, the planning policies focused on design quality contained within individual district/city/borough Local Plans. However, several local planning authorities have not had up to date and adopted Local Plan policies for many years.
- 3.2 In 2018 ECC worked with all of our Local Planning Authority (LPA) partners to modernise the [Essex Design Guide](#) (EDG) to address the design and development overarching themes including, health and wellbeing, an ageing population, digital and smart technology, active design principles and garden communities. Supplementary [school design guidance](#) was added and in 2019 this work overall was recognised nationally as it won the award for Design Excellence in the 2019 Planning Awards. Following the Essex-wide adoption of the EDG the [Essex Quality Review Panel](#) (EQRP) was set up. The panel provides an external peer group experience and advice with the aim of improving the quality of what gets built in Essex.
- 3.3 Most of the Essex LPAs have design policies contained within their Local Plan and many identify in either the supporting text or their planning policies the importance of the Essex Design Guide and use this in their day-to-day work. An increasing number of LPAs also make best use and advice provided by either Essex Quality Review Panel or in some cases other Design Review Panels to help shape and design a number of built developments including proposals for Garden Communities and the more complex/challenging residential development proposals. Others such as Chelmsford City Council also use a health and wellbeing sub-group of the EQRP to help address and evaluate whether a specific development achieve the health [Livewell Accreditation mark](#).
- 3.4 As a strategic planning authority, we work with the LPAs and the Essex Developer Group to make use of both the EDG and the application of the EQRP. However, as the County Planning Authority, to date, we have no formal policy position in place that endorses the use of either the EDG or the EQRP.
- 3.5 This leaves us without formal policies on design which officers consider should be addressed particularly in the light of the new [National Model Design Code](#) (NMDC) from Government on the need to improve the design quality of what is getting built. In relation to ECC, the EDG is being taken forward to also provide best practice advice to address our Climate Change priorities.

National Design Policy and Guidance

Forward Plan reference number: FP/137/08/21

- 3.6 In July 2019 Government produced a [National Design Guide](#) for use and in October 2019 Government established an independent Commission entitled Building Better, Beautiful. The Commission had three aims:
- To promote better design and style of homes, villages, towns, and high streets, to reflect what communities want, building on the knowledge and tradition of what they know works for their area.
 - To explore how new settlements can be developed with greater community consent.
 - To make the planning system work in support of better design and style, not against it.
- 3.7 On 30 January 2020 The Commission published its final report – [Living with beauty](#) and a year later Government published its [response to the Living with Beauty report](#) (30 January 2021)
- 3.8 Then on 20 July 2021 Government issued the fourth revision to the [NPPF](#). The revised NPPF (para 129) confirms that design codes and guides need to be produced either as part of a Local Plan or as Supplementary Planning Documents to carry weight in decision-making. They can be prepared for entire areas or neighbourhoods or for individual sites. Where local codes are absent, the [National Design Guide](#) and [NMDC](#) can be a material consideration. The NPPF makes clear the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 3.9 Clear design expectations are set through the NPPF, and this is supported by Government's National Design Guide which sets out the 10 characteristics of a well-designed places, and the new National Model Design Code.
- 3.10 Government is clear that the creation of high quality, beautiful and sustainable buildings and places are fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 3.11 Government is also clear that to provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences.

Design Guides and Codes

- 3.12 These provide a local framework for creating beautiful and distinctive places, with a consistent and high- quality standard of design.

Forward Plan reference number: FP/137/08/21

- 3.13 Where there is no design guidance exists the National Design Guide and the National Model Design Code documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes.
- 3.14 We at ECC are in a strong position already having both the Essex Design Guide and the Essex Quality Review Panel in place. We also have an established urban design team within Place Services providing bespoke advice to most of the Essex LPAs'. What we have not done to date is clarify how this guidance and expertise is used in relation to our own County Planning role and function.

The Design of Places

- 3.15 Good design involves careful attention to other important components of places. These include:
- the context for places and buildings;
 - hard and soft landscape;
 - technical infrastructure – transport, utilities, services such as drainage; and
 - social infrastructure – social, commercial, leisure uses and activities.
- 3.16 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:
- the layout (or masterplan);
 - the form and scale of buildings;
 - their appearance;
 - landscape;
 - materials; and
 - their detailing.

The Design of Essex Housing Schemes

- 3.17 Overall the quality of a number of schemes by Essex Housing, the Council's in-house team, has been classed as being already very good. Essex Housing has been nominated for a number of national awards both as a developer and for individual projects. Some schemes, for example, Goldlay Square came second in the UK Housing Awards for Best Residential Development. Another example is Moulsham Lodge which is currently shortlisted for the RTPI Awards for Planning Excellence. It is expected that future schemes that come forward will continue this trend with Essex Housing schemes leading the way on design quality.

The Design of Schools

- 3.18 Good school design is about the education and life chances of young people. Evidence shows a clear link between well-designed schools and pupil performance and behaviour. Good design alone doesn't raise standards, but bad design impacts on the quality of teaching, the aspirations and self-perception of pupils, and the sustainability of a school. Also critical for a school is the correct environmental factors such as temperature, humidity, acoustics, day lighting, lighting and ventilation. If these are wrong the teaching and learning environment is not suitable and make it more difficult to give children in Essex the best start in

Forward Plan reference number: FP/137/08/21

life. It's also important that school buildings should be efficient and have low running/maintenance costs into the future, so that school resources can be effectively targeted towards the delivery of the curriculum. Successful school design is ultimately the result of hard work and collaboration between designers, planners, contractors and visionary, committed clients.⁴

The Design of Garden Cities

- 3.19 At least two new garden cities (communities) have been planned for Essex namely Harlow Gilston Garden Community and the Colchester/Tendring Borders Garden Community. The Town and Country Planning Association (TCPA) has promoted the use of their Garden City principles as a framework for good place-making and the delivery of high-quality places which provide good outcomes for people and the environment and are underpinned by a financial model that pays for these positive outcomes in the long term. What these principles mean, and how they can be achieved in new developments at a range of scales, and in the current policy environment, is set out in the TCPA's series of Practical Guides. The principles themselves are set out in paragraph 3.24
- 3.20 The Garden City principles are not a blueprint or rigid set of rules for creating new places. They are simply a framework for good place-making, delivery and management, within which innovation and imagination should be applied to the specific context of individual projects and locations. The Locally-Led Garden Villages, Towns and Cities prospectus encourages local authorities applying for funding to embed the Garden City principles within their proposals. However, demonstrating that all the principles will be applied is not a pre-requisite of receiving support through the programme. Without standards or policy requirements in place, it is up to those delivering the developments to commit to these principles in practice and ensure that they meet the commitment to quality, affordability and sustainability that their name implies.
- 3.21 This is challenging for local authorities who are under pressure to deliver at speed and who are faced with challenges such as the viability test in the National Planning Policy Framework. The viability test makes it hard to uphold high standards and often results in developments with lower levels of key Garden City requirements, such as genuinely affordable housing and early provision of high-quality community facilities.
- 3.22 As a result, while many places are being ambitious in their intentions and innovative in their approaches, some are finding it difficult to commit to delivering even the key Garden City principles.
- 3.23 The Garden City principles are a distillation of the key elements that have made the Garden City model of development so successful, articulated for a 21st century context. Taken together, the principles form an indivisible and interlocking framework for the delivery of high-quality places.
- 3.24 A Garden City is a holistically planned new settlement which enhances the natural environment and offers high-quality affordable housing and locally accessible work in beautiful, healthy and sociable communities. The Garden City Principles are an indivisible and interlocking framework for their delivery, and are:

⁴ [Creating excellent primary schools. A guide for clients](#) (CABE 2010)

Forward Plan reference number: FP/137/08/21

- Land value capture for the benefit of the community.
- Strong vision, leadership and community engagement.
- Community ownership of land and long-term stewardship of assets.
- Mixed-tenure homes and housing types that are genuinely affordable.
- A wide range of local jobs in the Garden City within easy commuting distance of homes.
- Beautifully and imaginatively designed homes with gardens, combining the best of town and country to create healthy communities, and including opportunities to grow food.
- Development that enhances the natural environment, providing a comprehensive green infrastructure network and net biodiversity gains, and that uses zero-carbon and energy-positive technology to ensure climate resilience.
- Strong cultural, recreational and shopping facilities in walkable, vibrant, sociable neighbourhoods.
- Integrated and accessible transport systems, with walking, cycling and public transport designed to be the most attractive forms of local transport.

3.25 It is important that we take account of these principles when considering planning applications to help ensure the delivery of high-quality garden communities for people to live and work in.

4. Links to our Strategic Ambitions

4.1 This report links to the following aims in the Essex Vision

- Provide an equal foundation for every child, and
- Develop our County sustainably

4.2 Some of those ambitions seek to promote the opportunities for every young person, giving every child the knowledge, support and security, they need to seize every chance at success and happiness. Furthermore, given the demand for new housing, this is an opportunity to enhance the County – with infrastructure development, healthier places, safer communities, more school and amenities and greater opportunity, to unlock personal potential to compete in a global economy.

4.3 Well-designed places, including schools and garden communities, can assist in achieving these ambitions.

4.4 Improving the standard of development, especially schools, through good design and layout, will help contribute to, a:

Forward Plan reference number: FP/137/08/21

- Strong and inclusive sustainable economy by offering children good economic prospects by learning in a high quality environment;
- Helping achieve a high-quality environment through high quality design, and;
- A good place for children and families to grow in a first class built environment.

4.5 Across the county of Essex, there is an ambitious growth agenda, including the need for an additional 136,000 homes by 2036. In the future many of these new homes planned will come forward on large strategic sites, including the emerging Garden Communities, create additional demands especially on new school provision. However, even without the demands of new development, there is pressure for new school places at existing schools, meaning some existing schools need to be expanded. The quality of the design education provision is and will be a key part of the required community infrastructure.

4.6 It is therefore paramount that ECC maximises the quality of the development it is responsible for to ensure that the local and national ambition of securing good design quality is achieved.

5. Options

5.1 The preferred option/approach would be to ensure that ECC utilises the tools⁵ available in its role as Infrastructure Developer, County and Spatial Planning Authority to maximise the design quality of what we build in accordance with national and local planning policy. It is also paramount that we use our influence to help improve the quality of private strategic development schemes, such as garden communities, to ensure help create great places to grow up, work and live for the people of Essex. This will also strengthen our position and stance if or where joint planning committees are established.

5.2 Whilst an option, to do nothing would not only sustain reputational damage particularly amongst our District Councils some of who have already raised concerns, it would therefore continue to foster both internal and external design objections to the planning applications we deal with, thereby increasing the risk that planning permission could be refused or deferred for some schemes that come forward when considered by ECC's Planning Committee (Development and Regulation Committee) which is concerned with ensuring the quality of proposed new development is of a good standard.

6. Issues for consideration

6.1 Financial implications

6.1.1 The preferred option provides tools to aid successful planning applications, including ECC school planning applications, which in turn could reduce the risk of increased costs from planning applications being refused. Good design and quality requires more work and early consideration, in what we ask for from developers and what we take into account in planning and designing new developments. Good quality well designed developments do not automatically equate to an additional cost (unless there are specific local requirements which need to be

⁵ Essex Design Guide, EQRP and National and Local Design Codes

Forward Plan reference number: FP/137/08/21

satisfied). Conversely a poorly designed development which is unable to secure a planning permission could actually cost more, from needing to be reworked and potentially from significant delays.

- 6.1.2 Increasing the design quality of development will normally cost more. By making best use of the added advice provided in the EDG and the Quality Panel there is potential to innovate our design, procurement of professional advisors to promote quality methods and delivery of school expansion projects to reduce the overall capital cost within the existing envelope. The principle of ensuring efficient procurement has been modelled recently in the net-zero carbon pilots where there have been numerous successful examples of delivering net-zero designed buildings without any budget uplift compared to a standard build. Furthermore, where design enhancements may lead to increased costs if this is identified at an early stage the correct level of funding can be sought from housing developers to mitigate the impact of their development. In the longer term it is anticipated that increased infrastructure contributions negotiated from developers will help balance any strain on the public purse although there will be a delay in seeing the impact of this given how far in advance agreements are negotiated. In the case of basic need funded school projects, or major highway schemes, any additional costs which are agreed may result in the need for additional ECC borrowing to fund the design enhancements, although the impact of this will be minimised as much as possible within the planning requirements. Where this does arise reductions will be required elsewhere within the Council's capital programme to fund the additional cost pressure. This will also apply to schemes funded by developer contributions.
- 6.1.3 There would also be a modest cost of putting schemes to the Essex Design Quality Review Panel, which would be built into the scheme cost (current costs range from £3,353 to £5,720). Using the half day rate (£4,645) as an estimated average cost, the impact on the 2022/23 capital programme is approx. £46,000, which would need to be contained within the costs of the programme. This is quickly outweighed by the reduced risk of planning permission being refused or deferred that could add significant costs (e.g. from revised schemes being prepared) as well as time delays that could again add significant on-costs to a project should it not be delivered on time. It should be noted that additional time will need to be included in the already challenging project timelines for schemes which are to be put to the Essex Design Quality Review Panel and this in turn will delay returns on investment schemes. It is therefore imperative that the Panel does not introduce unnecessary delay and that it does add value to each scheme.

6.2 Legal implications

- 6.2.1 As set out, national planning policy states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. If development fails to do this there is a risk that planning permission could be refused or, when permission is granted, challenged in the courts if proper process is not observed. Whilst it wouldn't be unlawful if ECC chose not to update its process, in not doing so the risk of a successful legal challenge could, for example, remain high for some cases.

7. Equality and Diversity implications

Forward Plan reference number: FP/137/08/21

7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

7.3 The equality impact assessment at Appendix 2 indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

8. List of appendices

- 8.1 Appendix 1 - ECC responsibilities and working practices influencing the quality of new school development
Appendix 2 – Equality Impact Assessment.
Appendix 3 – SEA Screening Opinion

9. List of Background papers

- National Planning Policy Framework 2021
- National Model Design Code 2021
- Essex Design Guide
- Livewell Accreditation Scheme
- Creating excellent primary schools. A guide for clients (CABE 2010)
- ECC Local and Neighbourhood Planners' Guide to School Organisation
- Developers' Guide to Infrastructure Contributions
- Essex School boundary guidance
- Government – Education Funding Agency acoustic, lighting and ventilation in schools
- Government Department for Education primary and secondary school design
- CABE – Better spaces for learning
- ECC Parking Standards

<p>I approve the above recommendations set out above for the reasons set out in the report.</p> <p>Cllr Lesley Wagland - Cabinet Member for Economic Renewal, Infrastructure and Planning</p>	<p>Date</p> <p>4 February 2022</p>
---	---

In consultation with:

Forward Plan reference number: FP/137/08/21

Role	Date
Andrew Cook, Director of Highways and Transportation (Interim Executive Director for Place and Public Health)	20 January 2022
Executive Director, Corporate Services (S151 Officer) Stephanie Mitchener on behalf of Nicole Wood	2 February 2022
Director, Legal and Assurance (Monitoring Officer) Paul Turner	20 January 2022

ECC RESPONSIBILITIES AND WORKING PRACTICES INFLUENCING THE QUALITY OF NEW SCHOOL DEVELOPMENT

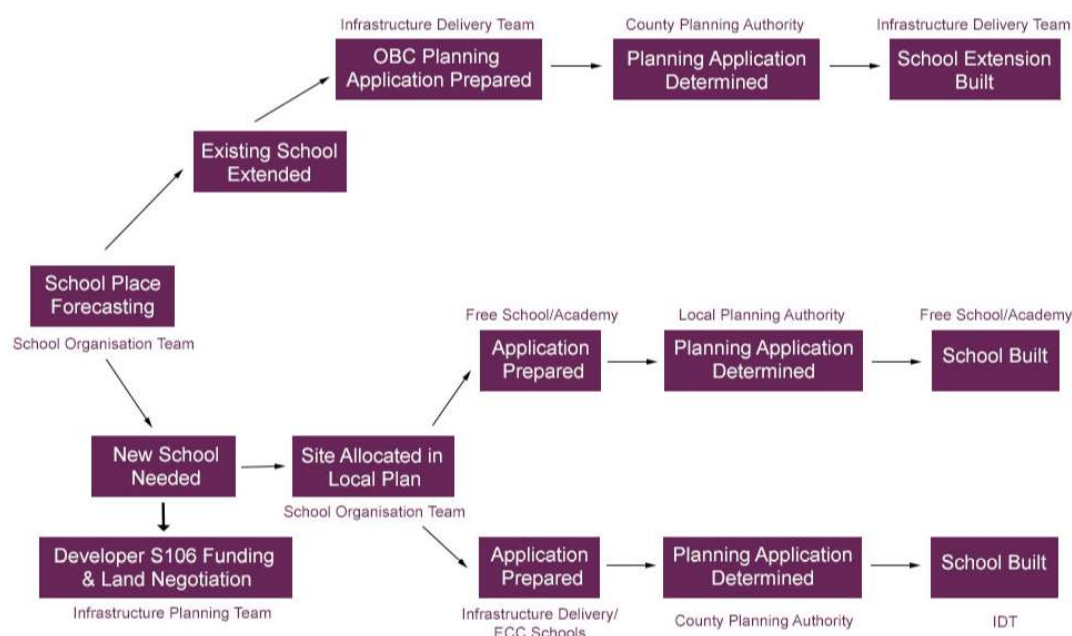
The education umbrella at ECC currently sits across several different services areas and directorates within the organisation. ECC seeks contributions to fund the following types of school:

- Primary schools
- Secondary schools
- Early Years and Childcare
- Special educational needs and disability (SEND)
- Post-16, sixth form and colleges.

Some of the service areas have well-established processes in place and strong evidenced/data-led positions to support the negotiations with developers. Whilst some areas may not be strongly represented and therefore sometimes have to find funding for additional development-led need from other sources of money, typically from ECC's own capital funds, this can affect the quality of the development through limited funding.

Where ECC maintains a significant interest in delivering a school the normal practice for any planning application, prepared ECC's Infrastructure Delivery team, is to submit and seek determination by ECC acting as County Planning Authority⁶.

Diagram 1 – simplified school development process



ECC School Organisation⁷

⁶ Under [Regulation 3 of the Town and Country Planning General Regulations 1992](#) ID are not the only promotor of school development. The DFE have their own free school programme, individual academies also promote development as does the independent school sector.

⁷ See [ECC Local and Neighbourhood Planners' Guide to School Organisation](#)

Forward Plan reference number: FP/137/08/21

Under section 14 of the 1996 Education Act, local authorities must secure enough school places to serve their area. The available schools must be enough in number, character and equipment to provide all pupils with the opportunity of an appropriate education.

Section 2 of the 2006 Education and Inspections Act further places 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. Subsequent legislation has also encouraged the development of a more diverse range of education providers, in particular Academy Trusts and Free Schools.

To meet these duties, Essex County Council acts as a commissioner, rather than a provider of new schools and, in order that potential providers may express their interest in running a school, will set out the requirements for the provision needed to serve a new community.

Regardless of whether local schools have Academy status, are Free Schools, or are Maintained Schools, ECC is the appropriate authority to assess the requirement for additional school places to serve any new housing developments proposed by a Local Plan or supported by a Neighbourhood Plan. Where a Section 106 agreement (developer contribution) delivers the land and funding for a new school, Essex County Council will usually procure the buildings and then transfer it to the successful school provider.

Planning policy and guidance places great weight on ensuring enough choice of school places as well as the need to create, expand or alter schools. Furthermore, such guidance expects close cooperation between counties and district/city/borough councils in two-tier areas. Compliance with this 'duty to cooperate' is assessed at each Local Plan's Examination.

Where the demand for school places is rising the School Organisation team may identify land and call for it to be included within a Local Plan, for school (D1-Non Residential Institution) use. The DFE also assists Free Schools and Academies identify sites through the work done by ECC with Local Planning Authorities.

Ideally new development should be located in areas with good levels of existing infrastructure which includes education infrastructure capacity. It is not always the case that a good location for additional housing in terms of primary school places is also a good location in terms of secondary school provision. Developments that are unsustainable in school transport terms are normally resisted.

At this early stage of the Local Plan making process, before actual allocations or development boundaries are set, the School Organisation team can only play a guiding role and identify spatial strategies that are likely to present 'showstoppers' from an education perspective. The team will, however, want to ensure that the following issues are considered, which inform the 'quality' of any proposed development:

- The avoidance of any land use close to schools (existing or proposed) that may compromise pupil safety or damage the learning environment;
- The delivery of safe direct walking and cycling routes to schools from the communities they serve;

Forward Plan reference number: FP/137/08/21

- Improvements to the environment around schools e.g. wider footpaths, traffic speed reduction;
- Any educational resources that development can deliver such as public access to historical assets, art installations or wildlife areas.

Once actual housing sites are chosen, the School Organisation and Place Planning team can seek to influence the siting and development timetable⁸ of any new school needed within the development. Essex County Council's [Developers' Guide to Infrastructure Contributions](#)⁹ provides information regarding the suitability of land for education use and how the environment around schools should be designed to keep pupils safe, enhance learning and avoid issues for the local community. The document therefore informs the expected location and layout for a school site, before a development scheme is put together. The suitability of a potential school site will normally be established by the completion of a Land Compliance Study. Producing this document should be seen as an iterative process, commenced as Local Plan site allocations emerge. The end product should be an agreed 'red line' for the school site. It is important that the Local Planning Authority work with developers and the School Organisation team to ensure that new school sites are at the heart of the masterplan process rather than an afterthought. Developers and landowners are tasked with the formal completion of Land Compliance Studies and the submission of an appropriate report with any subsequent planning application is essential. Once submitted these reports are reviewed by ECC's Infrastructure Delivery team who recommend whether the site is accepted and whether any additional planning obligations are needed to ensure the land is fit for purpose on transfer.

The School Organisation team therefore not only has the role of forecasting future places but also has the responsibility for working alongside developer and district/city/borough planning authorities in allocating future school sites in local plans and working with the Infrastructure Planning Team to provide the specialist support needed with any negotiation process with the developer towards securing the necessary funding and other necessary school development requirements.

ECC Infrastructure Planning

ECC in our various roles (highways and transport, schools, SuDS, libraries etc) , is a major infrastructure provider, works closely with district/borough/city partners, as Local Planning Authorities, identifying the infrastructure that is needed to support growth set out in Local Plans. In this work, ECC takes an active role providing advice regarding the suitability of potential growth locations in terms of how well they are, and can in the future be, served by infrastructure.

When a planning application, such as a new housing scheme, is made, Essex County Council is also consulted by the Local Planning Authority and, in turn, provides appropriate comments and advice regarding infrastructure needs. Such advice may include requests for developer contributions to fund the school ECC needs to build or

⁸ A school needs to be built at a point where it will be sustainable. Therefore, it needs to be early enough in the phasing plan to generate the children. If it is left to the last element, other schools may need to be expanded, either temporarily or permanently, which at worst negates the need for the new school

⁹ The Essex County Council Developers' Guide to Infrastructure Contributions sets out the specific criteria that any school land must meet and how it needs to fit in to the overall development masterplan. This document should be consulted at the earliest opportunity. From an education perspective, the learning environment and pupil safety are the key decision-making drivers in determining where a school should be located on a new development.

Forward Plan reference number: FP/137/08/21

expand to serve the development in question. When necessary ECC will object to new development that cannot suitably mitigate its own impact on schools and other community infrastructure, and where this would place a cost burden on the public purse.

The chosen location and amount of money negotiated for school projects has a significant impact on the quality of the school development proposed.

For example, where there will be a deficit in local provision ECC is able to evidence, and negotiate with house builders/landowners for, contributions towards the expansion of existing or building of new primary and secondary schools as a result of any new development proposed. Few projects, however, will arise as a result of 100% of the demand coming from new housing development, as there are factors such as population change generating demand that could not be funded by S106 agreements. Due to development viability and other demands upon a limited S106 pot, Local Planning Authorities will not always support ECC contribution requests. Some elements of our (education) infrastructure must, thereby, be delivered with alternative sources of funding – typically ECC capital investment and government ‘Basic Need’ funding streams. To be financially sustainable it is important that any burden on the taxpayer is minimised and opportunities to secure S106 funding are not missed.

ECC Infrastructure Delivery

ECC Infrastructure Delivery (ID) are responsible for the capital investment and delivery of new school places funded by ECC. ID work alongside the School Organisation team and IP team in the preparation of suitable plans for the provision of new school places.

ID comprises project management and technical expertise engaged in the delivery of new school places. The Projects that ID prepare and deliver, are either the expansion of existing schools or the provision of new schools where there has been significant growth in the local area. New schools are predominantly linked to S106 agreements where land and a financial contribution has been received to support the need for a new school.

The specification and requirements of a school are well defined. The DFE provides extensive information that relates to good school internal design and use. This includes the schedule of accommodation required for the number of pupils and how spaces should be arranged for maximum efficiency of space and the delivery of the curriculum. The DFE provides technical information for the specification of the performance of the building. In particular, this information is focussed upon providing pupils and staff with a suitable internal environment for an effective teaching environment. The expectation is that an excellent internal environment contributes to the most effective educational outcomes for pupils. ECC has adopted the DFE specifications for the delivery of school places.

ECC has an ambitious programme to deliver new school places over the next 10 years. The ID team, whilst tasked to provide the number of places year on year to the agreed accommodation and performance requirements, are also tasked to achieve maximum value for money. The capital cost of delivery of school places is currently funded via a combination of basic need grant, S106 and ECC sources of funding.

ID manage the building solutions towards the need for school places. The ID team engage building contractors including design and planning consultants to provide cost

Forward Plan reference number: FP/137/08/21

effective solutions to meet the need for places. The ID team, with contractors, also provide effective consultation processes to ensure that proposed building projects are appropriate. This process commences at a very early stage, before any procurement of contractors or investment decisions are made to ensure that the proposed building is appropriate in the local context.

ECC as County Planning Authority

County Councils and District Councils are both Planning Authorities in their own right. Even as Local Authority, ECC as a school developer still needs planning consent to carry out most types of school development, and normally have to apply through their own Planning service.

Such applications are treated no more or less favourably than any private planning application. These powers are governed by Planning Legislation, and in particular, the Town & Country Planning General Regulations 1992 (SI No.1492).

Regulation 3 of this Legislation requires ECC to make such planning applications to itself, as long as the development is to be carried out by (or on behalf of) the Council. The development may be on land in the Council's ownership or on any other land. ECC would need to have some significant interest in the proposal (usually as the overarching Local Education Authority).

Alongside other planning processes ECC operates a [County Planning Service](#) and deals with planning applications predominately for school development. There are established processes in place, such as a pre-application service that advises the Infrastructure Development team, and its agents, on the main planning constraints affecting a school proposal and whether or not planning permission is likely to be granted.

[Pre-application advice](#) is provided for most new school developments following, for example, consultation with design, landscape, ecology and historic environment teams (Place Services). Additionally, Local Planning Authorities are also often consulted by the County Planning Authority on pre-application requests and advice, on design, is often provided by local planning authorities (district/borough/city) to inform the pre-application response.

Planning applications are subsequently submitted by planning agents on behalf of the County Council (Infrastructure Delivery team), consulted upon, and determined by the County Planning Authority with a number of applications having been considered by the Council's Development and Regulation (Planning) Committee.

The standard of planning applications does depend on the quality of information submitted. Major applications (such as new schools) and minor applications (such as small school extensions) are required to be submitted with, inter-alia, additional information that has an impact on the design of the development, for example:

- Design and Access Statement (national requirement): Amongst other matters explains the design principles & concepts that have been applied to the development and demonstrates the steps taken to appraise the context of the proposed development & how the design of the development takes that context into account. It also explains the applicant's approach to access & how relevant Local

Forward Plan reference number: FP/137/08/21

Plan policies have been taken into account and how the outcome of any consultation has informed the proposed development.

Local Requirements considering design (inter-alia):

- Site Plan - Showing the proposed development in relation to the site boundaries & other existing buildings on the site, with written dimensions including those to the boundary;
- Existing and Proposed Elevations - All sides of the proposal must be shown and should indicate, where possible, the proposed building materials and the style, materials and finish of windows and doors;
- Existing and Proposed Floor Plans - New buildings should be shown in context with adjacent buildings;
- Existing and Proposed Site Sections - including finished floor and site levels
 - Roof Plans - Showing the shape of the roof and include details of the roofing material, vents and their location;
 - Photographs and Photomontages - Photographs to demonstrate the appearance of a building(s) or area(s) in its current state & photomontages to demonstrate the change. Computer generated images may also be helpful;
 - Planning Statement - A site description setting out the physical features of the site and its surroundings including details of site layout, buildings and details of existing and proposed external building materials, details of boundary treatment and details of the topography and geology of the site;
 - Daylight/Sunlight Assessment - The measures that would be taken to mitigate against the expected impact of the proposed development;
 - External Materials Sample Board - Details & samples of any proposed external materials for new buildings;
 - Landscape Scheme - Details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of operations/construction of the development and details of areas to be planted with species, sizes, spacing, protection and programme for implementation;
 - Parking Provision - Existing and proposed parking provision (including cycle and scooter parking);
 - Lighting Impact Assessment/Details of Lighting Scheme;
 - Open Spaces and Playing Field Assessment;
 - School Travel Plan;
 - [Sustainable Drainage Systems](#) (SuDs); The design of SuDs should aim to ensure that the development and its occupants are protected from flooding and that offsite flood risk is not increased. It should consider all forms of flood risk.
 - Tree Survey/Arboricultural Impact Assessment (AIA) - considers the impacts of statutory designations and identifies the long-term value and benefits of trees in the urban and built environment.
 - Transport Assessment/Statement: Ways of encouraging environmental sustainability by reducing the need to travel and measures to mitigate the

Forward Plan reference number: FP/137/08/21

residual impacts of development (such as improvements to the public transport network, introducing walking and cycling facilities, physical improvements to existing roads.

Planning applications for school development are determined in accordance with the relevant development plan for the area – i.e. district/borough/city local plan which will normally include design policies. Nonetheless, the National Planning Policy Framework (NPPF) is a material consideration when determining applications. Section 12 (Achieving Well-Designed Places) amongst other matters, states that:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process...

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience..*

Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life⁵¹. These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as

Forward Plan reference number: FP/137/08/21

large scale housing and mixed use developments. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Other factors and functions affecting the quality of a school development

Other factors influencing the quality of design of a school proposal are:

Essex Design Guide – [school design](#)

The Essex Design Guide (EDG) provides invaluable local design advice on what is required to create high-quality development. Whilst the EDG continues to be relevant to its core user base of town planners, urban designers and developers, the online content support engagement with a much wider audience including local communities, politicians and the media. The aspiration is that through the Guide all who use and learn from it will be better informed about design, the planning processes and the importance of quality, becoming advocates of the principles reflected in the EDG. The design guide is a useful tool to use to develop quality school proposals and covers issues such as:

- Planning Application Process
- Determine the Context
- School Typologies in Essex
- New Schools
- Health and Wellbeing
- Health Impact Assessments
- Environmental Targets
- Highways Access and Movement
- Modern Methods of Construction
- Landscape and Outdoor Space

ECC [Quality Review Panel](#)

Forward Plan reference number: FP/137/08/21

The Quality Review Panel takes the design guide a step further by offering a service to review the design of new schools. The Essex Planning Officers Association in partnership with Place Services has established the Essex Quality Review Panel. The Essex Quality Review Panel will ensure delivery and promotion of high-quality new developments through the creation of good design, sustainability and improved quality, creating better places and environments to work and live in the County.

The Quality Review Panel provides a well-established method of offering independent and impartial guidance on the design of new buildings, landscapes and public space, that can include new school development. In assessing planning applications, planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

[School boundary guidance](#)

School boundary treatments whether including fencing, gates, walls, railings or hedges are important elements of the school site. Boundary treatments contribute to visitors' first impressions of the site and in security terms, they are also the first line of protection for the school.

[ECC guide to developer contributions](#)

There are a number of circumstances under which ECC may need land to be transferred to its ownership under a S106 agreement. These include to provide new or expanded schools and Early Years and Childcare facilities

New school sites: Once a potential location for a new facility has been identified, the quality of the land itself needs to be considered in detail. New school sites, in particular, have a number of requirements that should be considered at the earliest opportunity in the planning process. The objectives as displayed in the exemplar layouts are to:

- create a sense of place;
- avoid congestion by dispersing school drop off;
- provide a safe environment around school entrances; and
- encourage sustainable travel.

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

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

The County Council acts as a commissioner rather than a provider of new schools. It has the duty to set out the requirements for any new school needed to serve a new community in order that potential providers may express their interest in providing that school. Where a S106 agreement provides the land and funding for a new school, the

Forward Plan reference number: FP/137/08/21

County Council will usually procure the school building and then transfer the new building for the successful provider to occupy.

Establishing a safe environment around schools, which is conducive to learning is paramount. The following issues / measures should be considered:

- establishing and improving walking and cycling routes to schools (including off site provision);
- reducing school run traffic and dispersing it away from school entrances;
- enforcing low traffic speeds around schools and the walking routes pupils use;
- 'school zones' where traffic is restricted in the area at the start and the end of the school day;
- ensuring pavements around schools are clear and wide enough for parents with pushchairs to pass;
- substantial pedestrianised zones around school entrances used by pupils;
- providing public art, nature areas and local history information boards, in the immediate area, to offer learning opportunities;
- the planting of trees and / or hedges to enhance air quality / reduce exposure to poor air quality; and
- the use of landscaping and carefully selected street materials to reduce noise.

The site and site layout of a proposed new school significantly contribute to the quality of the end design.

ECC [sustainable travel strategy](#)

The key objective is to demonstrate the different methods used by ECC and partners to facilitate the increased use of more active and sustainable travel modes available to businesses, residents and schools within Essex. The document references the local policy context that includes, for example:

Education Transport Policy: This document sets out ECC's Home to School Transport Policy and describes how the Council fulfils its duties and exercises its discretionary powers as required under the Education Act 1996 and subsequent legislation.

ECC is required to provide transport to students with the statutory entitlement or who qualify for discretionary assistance as set out in this policy and who are resident within the administrative area of ECC.

Essex Healthy Schools Programme (ongoing). The Enhanced Healthy Schools Award is achieved by schools that have completed a significant amount of needs-led, outcome focussed work which builds on that achieved at foundation stage. The awards reflect a snapshot of the hard work and impressive outcomes that these schools have achieved to improve the health and wellbeing of their students through a whole-school approach.

The sustainable travel strategy sets out a number of school travel planning initiatives, including that ECC is involved in implementing namely:

1. Consultations on Local Plans – ECC STPT provide recommendations on Local Plans regarding the formulation of policies and their supporting text, which will feed into the

Forward Plan reference number: FP/137/08/21

design and location of development at the early stages; to ensure integrated sustainable transport options are secured from the outset.

2. Recommendations for Planning Applications – ECC STPT provide advice, support and guidance to developers and/or schools on sustainable travel related matters. A safety audit should be completed if a scheme has an effect on the safety of any user of the highway and would be completed by a team of qualified road safety Engineers.

3. Assessment of the travel and transport requirements of young people - Travel data including mode, postcode, barriers and pupil preference for individual schools is derived through the pupil surveys conducted by the teaching staff when each school completes the first stage of their School Travel Plan. The survey data is then used to establish the existing modal split and demand for transport amongst pupils; alongside consultation with key stakeholders within the school community, for example, pupils, parents, staff and governors.

4. The Council also has a [Travel Training team](#) which focuses upon assisting young people with special educational needs (SEN) to be able to travel independently and develop skills for life.

5. Audit of Sustainable Travel Infrastructure and Accessibility- The audit of a school's sustainable travel infrastructure is a large-scale undertaking – Essex has over 550 schools and it is not practical to deal with all of them simultaneously. Therefore, an audit of the sustainable travel and transport infrastructure of one primary and one secondary school from each of the 12 districts in Essex has been conducted, comprising 24 schools in total.

ECC- [SuDS guidance](#)

Appropriately designed, constructed and maintained Sustainable Drainage Schemes (SuDS) support the ideal of sustainable development. SuDS are more sustainable than conventional surface water drainage methods as they can mitigate many of the adverse effects that stormwater run-off has on the environment. The guidance illustrates a number of school case studies, which have been designed into school grounds.

Other relevant considerations influencing school design and functional layout:

- Government – Education Funding Agency [acoustic, lighting and ventilation in schools](#)
- Government Department for Education [primary and secondary school design](#)
- CABE – [Better spaces for learning](#)
- ECC [Parking Standards](#)