

Developer Guide 2020

Responses to consultation and ECC comment/action

Section 1: Introduction

Respondent	Response	ECC Comment/Action
Barton Willmore	PPAs are a financial burden. LPAs and ECC should combine to provide value for money.	This already happens in some circumstances.
Pegasus Group (on behalf of Bloor Homes Eastern and Endurance Estates)	Reference should be made to Infrastructure Funding Statements and how these will be reported. Are PPAs used only for Garden Community developments?	Infrastructure Funding Statements are referred to in 2.3 and 5.12 however further reference will be added as appropriate. PPAs are not just for Garden Communities and this is explained in 3.1.
Phase 2 on behalf of Countryside, Hills Group and Mersea Homes	Concern about reference to matters which are not in ECC's remit, e.g. public art, NHS etc	(i) Section 6 has been expanded to include these and other matters where a financial contribution is not normally requested. (ii) Greater detail of requirements re libraries and waste required in order to help give the Guide some weight.
Armstrong Rigg on behalf of Manor Oak Homes	(i) Welcome the recognition of the opportunities presented by the new Garden Communities. (ii) No recognition given to other documents or work done in respect of specific communities. (iii) ECC must recognise that they should work with LPAs in order to deliver sites.	(i) Noted. (ii) Not the appropriate place for this. (iii) Noted and ECC does work closely with LPAs through Local Plan work and PPAs.
Howes Percival (on behalf of a number of (unnamed) developers, promoters and landowners in and around Essex)	Appreciated that the guide is not intended to be a 'one size fits all' document. The guide must provide a robust and clear outline of contributions which may be sought in order to assist developers with viability. Should not discourage future development or inadvertently overburden developers with S106 and other funding mechanisms. Representations focus on the 3 tests. CIL should reduce the burden on developers in respect of S106 obligations and LPAs should avoid any duplication.	Noted - the guide provides clear guidance on S106 expectations. LPAs with CIL need to ensure that there is clear guidance on what developers will be expected to provide via CIL and S106.

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Persimmon	Recognise the need for developer contributions but they must be in line with national policy and should be structured in such a way so as to allow adoption of LPs and the delivery of sites. Evidence base to support the guide must be robust.	Noted - they are in line with the NPPF and other guidance.
Strutt & Parker	<p>Sections 1.5 & 1.6: role and status of guide. Purposes of the guide are unclear and stated differently in different places. PPG makes clear that infrastructure requirements policies should be in Local Plans (LPs) and therefore examined. PPG also states that supplementary guidance documents should not set out new formulaic responses to planning obligations (as these require examination). The guide could have a useful role instead (as evidence) in informing Local Plans on developer contributions but in its current form may be afforded too much weight by LPAs for planning applications</p> <p>Section 1.6 viability: concern that many Essex LPs at an advanced stage and introducing guide changes now may impact on the LP and IDP preparation process by changing development viability as already tested for these LPs. Its use should be focused instead on informing early stage LPs</p> <p>Section 1.6 Viability - developer contributions guidance needs to be based on an assessment of viability and associated policies need to ensure deliverability for development; the guide should not impede deliverability of advanced / adopted LPs or of development, especially housing delivery. Viability not given adequate consideration in the guide and inconsistent on this matter (e.g. as to receptive roles and stances of LPAs and ECC). Concerned at increased costs (2016-2020 rates) and lowering thresholds where development required to make contributions. Housing affordability in Essex an ongoing major issue, impacts on viability of schemes and increased infrastructure costs will worsen this challenge</p>	This role / status issue is a substantive point and this part of PPG may have been introduced since the original EDG. On viability, this matter has been considered and ECC recognises that LPAs will have the key role for considering and determining this matter in the round taking all relevant considerations into account, including the ECC guide. The 2020 guide changes are not considered to change the viability position unacceptably for development proposals (where an evidence-based viability assessment will generally be considered where necessary) or to obstruct / frustrate Essex LPs. In addition, while infrastructure costs have risen (unavoidably) between 2016 and 2020, thresholds where these apply have not generally been lowered (e.g. schools, EYCC and libraries). Travel plans development thresholds have reduced in order to ensure these are requested for more developments in order to help promote and enable transport modal shift
Swan Housing	Welcomes the desire for ECC to become more involved in pre-application discussions. Important that the cost of PPAs isn't prohibitive.	Noted - costs of PPAs can be shared with the LPA.

Respondent	Response	ECC Comment/Action
NHS	General comment: West Essex CCG supports the flexibility of contributions.	Noted
Chelmsford City Council	(i) CCC has produced substantial viability work to support its Local Plan and IDP (including a viability study) and the revised EDG could harm the emerging LP / IDP process (by changing viability parameters). (ii) Concerned that ECC has not considered the various districts' local contexts and that some developer contributions may not be invested appropriately in local infrastructure projects. Recommend transitional arrangements to apply 2016 EDG to any submitted Local Plans; otherwise all EDG requirements could be index linked and thereby tested through each LP evidence base process. (iii) Is Guide to be treated as a material consideration by CCC or ECC (if former then only applies if LPA adopts the Guide). (iv) S106 agreements are primarily a matter for the LPA as decision maker.	(i) This is a snapshot at a given time and the development of sites will be dealt with on a case by case basis. (ii) Contributions are tied to projects at the draft S106 stage and must be CIL Reg 122 compliant. (iii) Applications determined by LPA (and ECC where appropriate). (iv) Agreed (referred to in 1.6 of the Guide).
Chelmsford City Council - response to second consultation	(i) reference to the use of the word 'requirements' in text at 1.4 - ECC not in a position to require or compel developers to agree to imposition of conditions or S106 obligations; (ii) 1.5 reference to including S106 policy in Local Plans not a county matter; (iii) 1.6 ECC not agreeing to reduction in planning obligations at planning application stage - not considered a decision for ECC to make as LPA are the decision makers.	(i) ECC requirements will come through negotiation, and ECC has specific 'requirements' when it comes to provision of land etc; (ii) this is ECC's view on this matter; (iii) agreed that it is not ECC's decision, but we are entitled to provide the ECC stance, which in some cases may not be the same as the LPA view.
Colchester Borough Council	There are new asks and higher contributions, but it is not clear that viability has been assessed.	Noted. Some costs have changed as education costs per place are now based on the National Scorecard figures. Sites coming forward need to be planning policy compliant. It must be the case that the development meets its infrastructure and affordable housing requirements and the land value needs to reflect this reality. Where sites have been thoroughly tested at the EIP these infrastructure requirements will prevail.

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Colchester Borough Council - response to second consultation	(i)Table 1 (and Table 2 in section 5) are welcomed and helpful. (ii) Acknowledges and welcomes the reference in 1.4 to the LPAs weighing up the importance of the Guide.	Noted
Epping Forest District Council	EFDC has produced substantial viability work to support its Local Plan and IDP (including a current viability study) and this has factored in 2016 EDG costs for purposes of testing viability. Therefore, EFDC is concerned at the number of changes / extra requirements now built in, additional costs and the basis of their calculation. Further detail requested on the rationale (and impacts on viability) and on how contributions to be used in line with IDPs.	Section on viability at 1.6 is now included in the Guide. Amendments made to Guide to explain the rationale.
Epping Forest District Council - response to second consultation	EFDC are pleased that the revised version supports collaborative working with District Councils in Essex that is needed to secure developer contributions and delivery of infrastructure (Paragraphs 1.4 & 1.5). It is considered that the inclusion of a new section on viability (paragraph 1.6) further supports this.	Noted
Harlow District Council	Concerns that new / increased EDG infrastructure contributions requirements not previously discussed with HDC. These have not been factored in to the HLDP (at an advanced stage) and IDP submitted as examination evidence. There may also be substantial implications for the HLDP process going forward and in determining planning applications. Guide needs to include implications for cross-boundary projects such as Harlow-Gilston.	Noted - but the Guide articulates what the infrastructure requirements would be in respect of Local Plans. Agreed there needs to be referenced to cross boundary scenarios.
Maldon District Council - responded to second consultation only	MDC welcomes the continued approach and statement on collaborative working at 1.5 and agrees with the reference in 1.6 to the ECC officers monitoring and reporting on any departure from the normal approach to S106 and the need for transparency and reference in general to viability. MDC also supports the ECC commitment to the broad principles of the new Garden Communities.	Noted
Rochford District Council	(i)Need to ensure that contributions requirements do not undermine development viability and deliverability for RDC. NPPF/PPG require (generically) that developer contributions requirements to be set out	(i) Noted - 1.6 on viability applies and also see the new sections on Employment and Skills, Waste Management. (ii) All contributions are

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	in Development Plans but new areas of EDG requirements have not been tested with RDC LP for viability. Therefore need additional information on any sensitivity testing for additional EDG costs and viability implications at district level. Deliverability impacts on marginal viability sites and impact on affordable housing provision is of concern. (ii) New contributions need to be evidenced and justified. RDC expects all contributions in respect of RDC applications to be applied locally.	applied locally and have to be compliant with CIL Regulation 122.
Uttlesford District Council	(i)Concerns that new / increased EDG infrastructure contributions requirements and lower triggers and limited engagement on the revised Guide. (ii) Guide should refer to Infrastructure Delivery Plans. (iii) Garden communities - the role of garden communities is important as opposed to planning large numbers of smaller sites where infrastructure provision may prove more challenging.	(i) The triggers have only been lowered in one instance for Travel Plans. There has been a 6 week consultation with numerous parties followed by a further 3 week consultation with LPAs. (ii) This will be added to Section 1. (iii) Noted and agreed.
Uttlesford District Council - response to second consultation	UDC accepts changes to the Summary, 1.7 Garden Communities and addition of 1.6 viability.	Noted
Uttlesford DC - comments from Parish and Town Councils.	Useful document to have sight of. Important that PC/TCs are consulted in drawing upS106 agreements. Need for consultation where proposals made by ECC Highways. Supports UDC comments about the role of the LPA. Guidance needed on costs for bus shelters, open space etc. Travel packs should include free bus tickets for new residents. Frequent bus service needed for towns and villages. Most cost effective for developers to provide works to roads rather than making financial contributions.	Noted. S106 agreements are between the LPA, ECC and developer so cannot include PC/TC as this would prolong the process for no reason. Comments of PC/TC will already have been made to LPA. Travel packs generally include some free travel benefit.

Section 2: The Legal Framework

Respondent	Response	ECC Comment/Action
Barton Willmore	Helpful to developers if ECC could explain under what circumstances conditions should be used.	Noted
Pegasus Group (on behalf of Bloor Homes Eastern and Endurance Estates)	ECC slow to respond in respect of legal agreements until there has been an LPA resolution to grant permission.	It is often the case that the draft agreement will not be received by ECC until after that decision has been taken. Draft agreements are instigated by the LPAs or the applicants' legal representative.
Howes Percival (on behalf of a number of (unnamed) developers, promoters and landowners in and around Essex)	ECC should work closely with LPAs in respect of the IFS where CIL is in force to ensure no double counting.	This is ECC's intention.
Strutt & Parker	Refers to legal framework and need to stick strictly within this but key point is the current national context with a housing crisis; imperative to improve housing delivery and need to consider viability implications of EDG very carefully Section 2.2 mentions CIL reg 122 and its 3 key tests but the EDG does not robustly assess how it meets these tests. In addition, a number of types of infrastructure requirements would not meet these tests, in particular: employment & skills (especially financial contributions); adult care services; waste management; libraries	Points valid in principle and noted. ECC has been mindful of the legal framework in updating the EDG. The housing shortage and need to boost homes delivery are also acknowledged. ECC has considered viability implications and most changes made are assessed as presenting relatively limited additional costs. At the same time there are additional / new requirements from various sources that require a response in the guide
Chelmsford City Council	(i) No reference to self-build schemes being exempt from CIL payments in 2.1. (ii) Suggests table needed to clarify the different infrastructure arrangements between those LPAs that have CIL in place and those that rely on S106.	(i) Noted. (ii) Noted but not felt necessary at this point as CCC is the only CIL authority in Essex. Could be considered when the Guide is reviewed.
Chelmsford City Council - response to second consultation	2.1 - unclear why ECC are providing advice on CIL as it is not within ECC's responsibility. The decision on spending CIL rests with the LPA who will of course seek the views of ECC as a valued partner.	ECC is not providing advice but just providing facts about CIL. It is made clear in the final

Respondent	Response	ECC Comment/Action
		paragraph of 2.1 that the spending of the CIL money lies with the LPA.
Maldon District Council - responded to second consultation only	2.3 the reference to Infrastructure Funding Statements needs to be clarified.	Agreed
Uttlesford District Council	UDC responses are to be read without prejudice to UDC's consideration of the introduction of CIL.	Noted

Section 3: Guidance applicable to all S106 Agreements

Respondent	Response	ECC Comment/Action
Pegasus Group (on behalf of Bloor Homes Eastern and Endurance Estates)	(i) Clarity needed for ECC attendance at workshops. (ii) Reference to Unilateral Undertaking circumstances should be deleted. (iii) ECC should engage with LPAs on S106 during application process	(i) See statement in 3.1. (ii) Text amended in 3.4 (iii) This is dependent on the LPA.
Howes Percival (on behalf of a number of (unnamed) developers, promoters and landowners in and around Essex)	(i) Triggers unreasonable as commencement and first occupation. Contributions for new schools should be staggered so that they are paid as and when needed, e.g. at design stage etc (ii) Indexation should run from the date of the S106.	(i) Triggers are generally negotiated during the drafting of the S106. They will vary in timing and number depending on the size of the proposed development. (ii) No - the pupil costs are linked to the amounts quoted when ECC comments on a planning application. This is April of the relevant year.
Persimmon	Use of contributions in 10 years is too long. It should be 5 years.	This is not agreed and is based on guidance, e.g. from the DfE.
Swan Housing	General comment: Summary table very helpful (at section 5) and guidance on costs is welcomed. However concerned re additional costs referred to in the guide and impact on viability and provision of affordable housing.	Noted. Some costs have changed as education costs per place are now based on the National Scorecard figures. Sites coming forward need to be planning policy compliant. It must be the case that the development meets its infrastructure and affordable housing requirements and the land value needs to reflect this reality. Where

Respondent	Response	ECC Comment/Action
		sites have been thoroughly tested at the EIP these infrastructure requirements will prevail.
Chelmsford City Council	Unclear here how admin / monitoring fees calculated and what for, as CCC monitors the S106 agreements. ECC to confirm that ECC fees to only be charged here where justified / where ECC a party to the agreements (not just as stated 'where relevant'). ECC fees for S278 agreements acceptable but concerned about additional ECC fees for S106s and where CIL applies	ECC would only request monitoring fees for those agreements where there is ECC infrastructure provision/contributions.
Uttlesford District Council	UDC would need to agree performance standards re timeliness on S106 matters if agreeing to ECC monitoring charges.	Monitoring charges will reflect input from ECC.

Section 4: Land and Building Contributions in Kind

Respondent	Response	ECC Comment/Action
Barton Willmore	Land Compliance Studies should be included on the Local Validation Lists for LPAs.	Agree - requested but dependent on LPAs agreeing to this.
Pegasus Group (on behalf of Bloor Homes Eastern and Endurance Estates)	Suggested amendment to text relating to school land and playing fields and land compliance studies.	Land needs to be provided for new schools and expansions in line with the requirements as set out in Local Plans. Land for playing fields should be located adjacent to schools.
Education Facilities Management Partnership Ltd	Concern re land for school on site where school land is provided to meet needs other than those of the site where it is located. The 'host' site should be compensated for this through appropriate contributions from other sites which will benefit from the new school.	D1 use value will be paid for additional land where appropriate because the D1 use is the intended use.
Howes Percival (on behalf of a number of (unnamed) developers, promoters and landowners in and around Essex)	Should be acknowledged that some of the information included in a Land Compliance Study may be provided post grant of planning permission. ECC should recoup costs of land where the whole of the site is not required to mitigate the impact of the development where the education site is located. 10-year option may not always be necessary.	Noted re LCS and accept that this will be the case. ECC does not pay for the land. 10-year option is the starting point.
Chelmsford City Council	CCC suggest that land compliance study requirements cannot be an LP policy requirement but instead need to be required through local (planning application) validation lists.	Agreed
Chelmsford City Council - response to second consultation	4.3 Requirements for submission of a Land Compliance Study.	ECC would prefer that this is made a requirement by LPAs via their Local Validation Lists.
Colchester Borough Council - response to second consultation	At para 4.2 it would be worthwhile confirming that the remediation costs should be borne by the developer and carried out prior to the transfer of the land to public ownership.	Noted
Harlow District Council	Concern at process described for ECC checking / validating Land Compliance Studies post submission of planning applications. This is likely to cause problems for both local authorities.	ECC would always need to check these and would expect to do this either as part of the

Respondent	Response	ECC Comment/Action
		application process or as a pre-requisite prior to commencement of development.
Uttlesford District Council	(i) Request ECC revisit its position on schools drop off / pick up areas on transferred land, as needs to have regard to how this is addressed practically /safely. (ii) Concerns that S106 processes held up as ECC treat S106 as land transfer document when these are not such	(i) It is not a safe environment to have drop-off areas and ECC encourages sustainable travel to schools. (ii) This is not the case.

Section 5: Contributions required by service area

Respondent	Response EY&C	ECC Comment/Action
Bellway	DfE guidance recommends such contributions should go towards funding places at existing or new school sites. Other sources of funding available for private sector. No justification for ECC approach.	ECC has an obligation under the Childcare Act 2006 to ensure that there is sufficient high quality and accessible early years and childcare places within the local area. The nature of this care results in a mix of provision which ECC must support. Changes made to clarify position re funding and what is available and who provides the facilities.
Pegasus Group (on behalf of Bloor Homes as Eastern and Endurance Estates)	(i) More robust evidence needed of how contributions will be spent. (ii) Inappropriate for contributions to be used for private providers.	There is a general misconception about the provision of EY&C settings and the Guide has been updated to reflect the true position. Amendments made to section 5.1 to explain how settings are provided.
Education Facilities Management Partnership Ltd	5.1.6 PUBSEC – no longer appropriate. ECC should use BCIS	This is the most appropriate index for ECC use None required
Howes Percival (on behalf of a number of (unnamed) developers, promoters and landowners in and around Essex)	Provision of EY&C not a county matter. No justification for employment sites – double counting between employment and residential sites.	ECC has an obligation under the Childcare Act 2006 to ensure that there is sufficient high quality and accessible early years and childcare places within the local area. Employment site requirements have been removed. There is no longer a requirement for provision of EY&C in connection with employment sites.
Persimmon	Do not agree with ECC funding private providers as funding for this comes from central government and through Council tax. Concern about 22.5% rise in cost per pupil since 2016 guide.	There is a general misconception about the provision of EY&C settings and the Guide has been updated to reflect the true position. The National Scorecard is now being used for costs per place. Changes made to clarify position re

Respondent	Response EY&C	ECC Comment/Action
		funding and what is available and who provides the facilities.
Quod (on behalf of Next plc)	Submitted Counsel's opinion in respect of ECC requests for EY&C contributions for employment sites both in mixed developments and stand alone developments. Makes the case that such requests could lead to double counting and were not CIL compliant.	Opinion considered by Essex Legal Services who advised that this would be difficult to challenge. Requirement removed from the Guide.
Strutt & Parker	Noted that EYCC places provided by private sector and contended that therefore inappropriate for developers to fund privately provided EYCC services. Guide needs to explain how this will be avoided	Not agreed. ECC is responsible for ensuring sufficient EYCC places to meet identified needs but how these are delivered, in this case commissioned through the private sector, is a matter for the LEA to determine. Many other public sector type services are commissioned through the private sector. In a similar vein, many schools are operated largely independently of the LEA as free schools / academies and this form of provision is accepted / supported by the Government No changes in response
Basildon Borough Council	Basildon supports the provision made for EY&C. However, BBC will collect and manage contributions from development within Basildon Borough and does not require ECC to do this. BBC will work with ECC to identify how best to spend the contributions at the time of collection.	ECC does not agree with the principle that BBC will collect and manage the contributions. This adds an unnecessary bureaucratic layer to the process and the decision about how money is to be spent is made when ECC responds to a planning application and is confirmed during the drafting of the S106 agreement, not at the time of collection
Basildon Borough Council - second consultation response	As above, but added disappointment that the requirement for EY&C contributions for employment sites has been removed from the Guide. Also error in 5.1.4 where reference is still made to employment sites.	As Above. Re the removal of the EY&C requirement in relation to employment sites - this is due to continued opposition and challenge from both developers and some LPAs, including a legal opinion submitted as a response to the consultation on the Guide. Amend 5.1.4 to remove reference to employee numbers.

Respondent	Response EY&C	ECC Comment/Action
Brentwood Borough Council - response to first consultation only	Rationale for proposed 2019 changes not clear on thresholds / trigger points for developer contributions. Child yield methodology appears challengeable. Also need to address any possible double counting of pupil yields arising through large, mixed use developments	The Guide is clear on thresholds, but trigger points will change dependent on the nature of the development. There will be no double counting as requests for EY&CC contributions will no longer be requested for employment sites. Amendments made to 5.1 to remove request for contributions for employment sites.
Uttlesford District Council	Opposed to EY&C contributions from employment developments due to double counting and UDC will not request these.	This has now been removed from the Guide. Changes made as appropriate
Uttlesford District Council - response to second consultation	UDC welcomes the removal of the requirement for contributions regards Early Years & Childcare on employments sites (including the employment element of mixed residential and employment sites), as well as the reworking of this section.	Noted

Respondent	Response Education and School Transport	ECC Comment/Action
Barton Willmore	Notes rise in costs for primary and secondary schools. LPAs need to update their viability testing in this respect (refers to Basildon). Clarity needed on how these costs are applied in terms of viability testing and the impacts on LPs. Education figures should be revisited and revised to provide more appropriate and proportionate assessments of the costs.	ECC will use the National Scorecard figures as provided by the DfE with effect from 1st April 2020 to provide greater transparency. Use of National Scorecard figures for pupil places and new schools.
Bellway	Limited justification for increase in pupil costs. Viability should be key consideration – further evidence needed to demonstrate how viability has been taken into consideration.	ECC will use the National Scorecard figures as provided by the DfE with effect from 1st April 2020 to provide greater transparency. Use of National Scorecard figures for pupil places and new schools.
Pegasus Group (on behalf of Bloor Homes as Eastern and Endurance Estates)	(i) Guide should refer to annual updates of 10 year plan. (ii) Need to justify costs of school places. (iii) Environment around schools should be negotiated.	(i) This is already done. (ii) Cost are now based on the National Scorecard. (iii) This is always the subject of negotiation, although advice is contained in Appendix D. Use of National

Respondent	Response Education and School Transport	ECC Comment/Action
		Scorecard figures for pupil places and new schools.
Education Facilities Management Partnership Ltd	5.2.2 DfE suggests the use of 2% surplus (rather than the 5% quoted) when considering forecasting school places.	For ECC it is more appropriate to use the 5% surplus due to population movement. None required
Howes Percival (on behalf of a number of (unnamed) developers, promoters and landowners in and around Essex)	General comment on education (incl EY&C) costs are very high compared with DfE equivalent. No justification for these or for thresholds used. Comment that the school costs are particularly high in respect of the external works, the anticipated contingency and the professional fees.	This matter has been re-evaluated and the costs are now taken from the DfE National Scorecard. National Scorecard figures now used.
Persimmon	Pupil yield – no account taken of those children who may attend a private school. Concern re rise in pupil costs. Should be revised to a cost more appropriate for delivery of school places.	Research identifies those children from developments attending an ECC school, i.e. mainstream state sector. The costs have been amended and are now based on the National Scorecard. Changes made to costs per pupil.
Swan Housing	Pragmatic approach needed to determining site size for schools, e.g. in respect of the surrounding development, rural v urban location, site layout etc.	This is negotiated and examples of school settings are given in Appendix D. Consideration is always given to location and surrounding development.
Strutt & Parker	No objection to principle of developer obligations for education requirements but (1) contended that education reqs generated wherever children live - whether housed within existing or new dwelling stock. Not clear that child yield formula identifies what is needed to mitigate new development from new homes or through wider / general population increase. Also unclear (2) how other sources of funding have been factored in. (3) Also concerned at scale of increase in costs since 2016 - no justification provided. (4) Education contributions to also be specified through LP policies subject to viability assessment	Not agreed. Logic of this argument not accepted and LEAs requiring new education places where needed through additions to housing stock is an established, necessary and accepted approach. Increases in costs reflect up-to-date costs positions - with 4-5 years price growth between the 2 sets of figures. ECC is confident that the new costs cited are accurate and necessary to fund extra education places. LPs in Essex do contain infrastructure requirements policies that cover education contributions (and various other infrastructure) requirements. The guide simply provides the detailed evidence / calculation basis

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		that supports those policies. No changes necessary / appropriate in response
Basildon Borough Council	Basildon supports updates in relation to legislation and the encouragement of creating safer environments around schools, as well as the inclusion of specific reference to the requirements for Special Needs post 16 provision. However BBC will collect and manage contributions from development within Basildon Borough and does not require ECC to do this. BBC will work with ECC to identify how best to spend the contributions at the time of collection.	ECC does not agree with the principle that BBC will collect and manage the contributions. This adds an unnecessary bureaucratic layer to the process and the decision about how money is to be spent is made when ECC responds to a planning application and is confirmed during the drafting of the S106 agreement, not at the time of collection
Basildon Borough Council - second consultation response	As above and supports the use of the National Scorecard for pupil costs.	As above and noted.
Colchester Borough Council - response to second consultation	Clarification is required at Para 5.2.2 which states: "Contributions towards the provision of additional places will not be sought where pupil forecasts suggest that existing local schools can reasonably accommodate the expected increases in demand for places without expansion."	Where there is sufficient received (not anticipated) s106 funding and the project has been through full governance and no further projects in the area are necessary, then ECC would not ask for contributions. Where there is potential DfE funding, the DfE still expect ECC to seek contributions to reduce the burden on the taxpayer in line with their guidance of November 2019.
Uttlesford District Council	Not clear if ECC currently seeking post 16 education contributions – UDC support these	Noted Guide updated to refer specifically to contributions for post 16 education.
Uttlesford District Council - response to second consultation	UDC accepts the use of the National Scorecard figures for education delivery, and changes to the EY&C costings to the same as for primary education, and post 16 to the same as for secondary education.	Noted

Respondent	Response Employment and Skills	ECC Comment/Action
Barton Willmore	Not appropriate to introduce additional financial burdens. No financial contributions should be sought where existing requirements already exist within the authority area. This could result in 'double dipping'.	Skills levels are a key determinant of a sustainable local economy, but they also have an impact on employment opportunities and thus an individual's economic prosperity. Improving the skills of the local labour force will be key to maintaining its economic competitiveness. Securing obligations for employment training of local people will help to ensure that residents are given access to the right skills training so they can take advantage of opportunities created by new development. Contributions sought are proportionate to the scale of development or resulting employment opportunities from the development. The financial contributions will be used by the Council to fund training, in the relevant District, Borough or City of the development. This requirement will be expected only in those local authority areas where there is not already an existing mechanism for this purpose.
Bellway	Supports this requirement but concerned about lack of evidence to support figures quoted and definition of complex sites.	Essex County Council has followed an Employment and Skills model pursuant to the National Skills Academy for Construction, with Key Performance Indicators aligned to the needs of the region and the changing educational landscape. The introduction of Employment and Skills Plans is therefore not unusual.
Pegasus Group (on behalf of Bloor Homes as Eastern and Endurance Estates)	Supports in principle, but not justified. Development industry already active in this area and not appropriate for development industry to resource this.	Skills levels are a key determinant of a sustainable local economy, but they also have an impact on employment opportunities and thus an individual's economic prosperity. Improving the skills of the local labour force will be key to

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		maintaining its economic competitiveness. With a national construction skills shortage and significant anticipated local growth, these measures will support local growth, an increase in workforce and support economic competitiveness. Development industry involvement will be considered as appropriate.
Howes Percival (on behalf of a number of (unnamed) developers, promoters and landowners in and around Essex)	Employment & Skills – onerous and unreasonable burden on developers. Strongly question whether CIL tests met. Justification for threshold unclear. Financial contributions should be sought only if ECC is to implement an ESP.	Skills levels are a key determinant of a sustainable local economy, but they also have an impact on employment opportunities and thus an individual's economic prosperity. Improving the skills of the local labour force will be key to maintaining its economic competitiveness. Securing obligations for employment training of local people will help to ensure that residents are given access to the right skills training so they can take advantage of opportunities created by new development. Contributions sought are proportionate to the scale of development or resulting employment opportunities from the development. The financial contributions will be used by the Council to fund training, in the relevant District, Borough or City of the development. This requirement will be expected only in those local authority areas where there is not already an existing mechanism for this purpose.
Swan Housing	Do the floorspace figures relate to GIA?	Yes. Wording amended to clarify this.
Strutt & Parker	E & S developer contributions not CIL compliant and are not designed to mitigate impacts of particular developments - therefore inappropriate and unlawful. Development impacts are positive towards employment and therefore do not need mitigation	Not agreed regarding principle of these requirements or that these not CIL compliant. No change in response as substantive points made not agreed. Agreed that this area / section

Respondent	Response Employment and Skills	ECC Comment/Action
		needs more work on its implementation (this currently in progress). That detail will be set out outside the guide itself and will likely evolve over time
Basildon Borough Council	Basildon already has processes in place to ensure developers provide an Employment and Skills Plan as part of their planning application. An agreed approach is welcomed but BBC will continue to deal directly with developers to ensure implementation of the plans through the South Essex Construction Training Academy and BasWorx.	ECC recognises that Basildon DC already has policies in place to ensure developers provide an Employment and Skills plan as part of their planning application. ECC accepts Basildon using an agreed approach, however, by adopting this approach, ECC would expect the management and administration of the employment and skills initiative to fall completely within the responsibility of Basildon DC.
Basildon Borough Council - second consultation response	As above	As above
Chelmsford City Council	Supports this requirement in principle given a range of tangible benefits that will accrue for local people.	Noted
Colchester Borough Council	Economic development is not an ECC function and should be left to LPAs.	This is not agreed - this function is necessary where LPAs do not have the capacity and/or expertise to deal with such matters. Where LPAs already have a process in place it is acknowledged that this will be dealt with at LPA level. Skills levels are a key determinant of a sustainable local economy, but they also have an impact on employment opportunities and thus an individual's economic prosperity. Improving the skills of the local labour force will be key to maintaining its economic competitiveness. It is noted that a number of districts have welcomed the proposed introduction of new skills measures within the Guide because of the local benefits

Respondent	Response Employment and Skills	ECC Comment/Action
		that they would bring in terms of local access to employment. ECC is investing in the relevant resource to support the implementation of these measures and wants to reassure CBC that contributions collected in CBC will directly benefit Colchester residents. ECC will work with CBC to ensure that local priorities are sufficiently addressed.
Colchester Borough Council - response to second consultation	CIL tests compliance for seeking contributions for “Residential developments and residential elements of a mixed-use development: a monetary contribution of £2,000 towards the cost of vocational training and employment support will be required by ECC for every 1,000sqm of development.” CBC doubts that this contribution request can be reasonably deemed compliant with the CIL Regulation tests.	Skills levels are a key determinant of a sustainable local economy, but they also have an impact on employment opportunities and thus an individual’s economic prosperity. Improving the skills of the local labour force will be key to maintaining its economic competitiveness. Securing obligations for employment training of local people is necessary to ensure that residents are given access to the right skills training so they can take advantage of opportunities created by new development. Seeking planning obligations to maximise the potential of the current Essex population to compete for the jobs being created, whether during the construction phase or end user phase, through improving their skills levels, is necessary to ensure that future development is economically and socially sustainable, and that barriers to employment for those marginalised from the workforce are removed. It is important the economic benefits of new development in terms of improved local skills and employment outcomes are realised. The contribution is directly related to the development as it will upskill local residents, to

Respondent	Response Employment and Skills	ECC Comment/Action
		<p>benefit from the opportunities arising from the development, including any end-use elements. The contribution is fairly related in scale. Commercial calculations factor the average DWP costs of intervention programmes for the unemployed, hard to reach and furthest away from job market and % of Essex residents with qualifications equivalent to or less than NVQ1 requiring training.</p>
Epping Forest District Council	<p>EFDC has the benefit of local knowledge and needs. Therefore, the key point is that EFDC will make its own responses and put measures in place to manage this issue and will continue dealing directly with developers on this including employment and skills plans and implementing the measures / funds secured from developers to benefit the district.</p>	<p>ECC recognises the value increased skills levels and greater social mobility adds to local growth. It is noted that a number of district and borough councils have welcomed the proposed introduction of the new skills measures within the Developers Guide because of the local benefits that they would bring in terms of local access to employment. ECC would welcome liaison with EFDC on this issue and feel that duplication of efforts and economies of scale can be achieved by following a standardised approach. ECC is investing in the relevant resource to support the implementation of these measures and can reassure EFDC that contributions collected in EFDC will directly benefit Epping Forest residents. ECC will work with EFDC to ensure local priorities are sufficiently addressed.</p>
Rochford District Council	<p>Supports ECC aspirations for positive impacts on local economies from development and Employment & Skills Plans in principle. Request ECC works with RDC Economic Development officers to agree process to identify candidates where apprenticeships to be created, to ensure local connection. Any employment and skills</p>	<p>ECC welcomes RDC's responses and would actively seek to work closely with RDC on processes going forward.</p>

Respondent	Response Employment and Skills	ECC Comment/Action
	contributions must be spent with direct relationship to the development funding them (within RDC area), again working with RDC ED officers to ensure spending to best meet local needs.	
Rochford District Council - response to second consultation	RDC acknowledges the importance of providing skills and employment locally and have been heavily involved developing these. RDC would expect to engage in shaping the content, format and structure of any programmes stemming from Employment and Skills Plans as well as in the use of financial contributions. RDC's Economic Development team would also expect to be involved in reviewing the plans also.	Noted.
Uttlesford District Council	Thresholds for these (200 homes on residential schemes) acceptable in principle – but may cause [unspecified] delivery issues given level of detail involved – ECC to consider these further. 2.5k floorspace employment scheme threshold more difficult to apply in UDC, especially for non-retail schemes.	Comments noted.

Respondent	Response Highways and Transportation	ECC Comment/Action
Basildon Borough Council	BBC will collect and manage contributions from development within Basildon Borough and does not require ECC to do this. BBC will work with ECC to identify how best to spend the contributions at the time of collection.	ECC does not agree with the principle that BBC will collect and manage the contributions. This adds an unnecessary bureaucratic layer to the process and the decision about how money is to be spent is made when ECC responds to a planning application and is confirmed during the drafting of the S106 agreement, not at the time of collection
Basildon Borough Council - second consultation response	As above	As above

Respondent	Response Highways and Transportation	ECC Comment/Action
Uttlesford District Council	No objection to S38 or S278 requirements to be merged into S106 agreements	Noted

Respondent	Response Sustainable Travel Planning	ECC Comment/Action
Pegasus Group (on behalf of Bloor Homes as Eastern and Endurance Estates)	(i) No explanation of travel pack costs and no opportunity for a developer to provide their own. (ii) No justification for change to 80+ (from 250+) dwellings to provide TP and need to evidence benefits of this change. (iii) No evidence provided re TP monitoring fees.	<p>(i) Travel Pack costs are based on the design, print and production process for the packs. These costs can be sought from the Sustainable Travel Planning Team (STPT) at travelplanteam@essex.gov.uk. Developers can provide their own travel packs for residential development sites, providing they are reviewed and approved by the STPT.</p> <p>(ii) Sustainable transport is becoming increasingly important within ECC in relation to responding to climate change and the impact of transport to ensure efficient mobility and improved public health. ECC is putting sustainable travel, growth and environment at the heart of its plans and policies. ECC is setting the agenda for healthy urban planning and sustainable development, giving people more active and sustainable travel choices. The threshold of 80+ dwellings is also benchmarked against other Eastern region authorities. (iii) These are associated costs for providing the Travel Plan Monitoring service which include a variety of activities including liaison with Travel Plan Co-ordinators, regular review, feedback and analysis of the plan and elements within it such as traffic counts, modal</p>

Respondent	Response Sustainable Travel Planning	ECC Comment/Action
		shift targets etc. Further clarification of these points within the Guide.
Howes Percival (on behalf of a number of (unnamed) developers, promoters and landowners in and around Essex)	Travel planning – threshold too low at 80 and no justification.	Sustainable transport is becoming increasingly important within ECC in relation to responding to climate change and the impact of transport to ensure efficient mobility and improved public health. ECC is putting sustainable travel, growth and environment at the heart of its plans and policies. ECC is setting the agenda for healthy urban planning and sustainable development, giving people more active and sustainable travel choices. The threshold of 80+ dwellings is also benchmarked against other Eastern region authorities. None required
Persimmon	Concern re lowering of trigger for Travel Plan requirements and 40% increase in Travel Plan monitoring costs.	Sustainable Transport is becoming increasingly important within ECC in relation to responding to climate change and the impact of transport, to ensure efficient mobility and improved public health. ECC is putting sustainable travel, growth and environment at the heart of its plans and policies. ECC is setting the agenda for healthy urban planning and sustainable development, giving people more active and sustainable travel choices. The threshold of 80+ dwellings is also benchmarked against other Eastern Region Authorities, e.g. Hertfordshire County Council. The costs have not increased, the range in which they're now applicable is wider. The associated costs are to cover staff time to provide the Travel Plan Monitoring service. Irrespective of the thresholds, Travel Plan's require monitoring to

Respondent	Response Sustainable Travel Planning	ECC Comment/Action
		ensure they remain active and achieve their objectives. None required
Basildon Borough Council	Basildon supports the reduction of the development thresholds requiring the provision of travel packs/plans. However BBC will collect and manage contributions from development within Basildon Borough and does not require ECC to do this. BBC will work with ECC to identify how best to spend the contributions at the time of collection.	ECC does not agree with the principle that BBC will collect and manage the contributions. In this case travel plan monitoring fees are specifically related to the Travel Plans and therefore used by ECC for this monitoring purpose. There is therefore no valid reason for BBC to collect and manage such contributions.
Basildon Borough Council - second consultation response	As above	As above
Brentwood Borough Council - response to first consultation only	(i) Travel Planning does not cover other large scale uses (such as education or sports / leisure uses) (ii) Delete reference to Travel Plans for all schemes of 80+homes / 50+ employees and replace with contributions to be set by Transport Assessments / mitigation schemes (inc. Travel Plans)	(i) A School Travel Plan Template and accompanying Guidance Notes is already available on the ECC website. Sports and Leisure uses would be classified as Workplace. (ii) The Travel Plan must be agreed alongside the Transport Assessment (as is the current process), with the STPT performing a statutory consultee role for Planning Applications. Using the Travel Plan as a mitigation tool is too late in the process which is why it must be done in tandem with the rest of the application.
Uttlesford District Council	(i) Need for Travel Packs accepted overall but reconsider development thresholds triggering these for residential schemes (these onerous for smaller schemes). Target these better with regard to location, scale and context of developments (urban or rural) or redirect contributions to alternative transport measures. (ii) Residential Travel Plans – requirement for these at lower end of 80-250 homes disproportionately more onerous (but 150 homes threshold would give benefit of catching more schemes	Sustainable Transport is becoming increasingly important within ECC in relation to responding to climate change and the impact of transport, to ensure efficient mobility and improved public health. ECC is putting sustainable travel, growth and environment at the heart of its plans and policies. ECC is setting the agenda for healthy urban planning and sustainable development, giving people more active and sustainable travel

Respondent	Response Sustainable Travel Planning	ECC Comment/Action
	<p>than at present). Reconsider justification for lowering the thresholds- e.g. to 150 homes – need further case to justify monitoring costs. Consider enhanced travel packs for 80 – 150 homes – and again consider targeting more to particular scheme types / locations.</p> <p>We acknowledge that ECC have provided further justification for the Travel Plan Threshold to UDC officers regards climate change, transport impact, efficient mobility and improved public health. But we do not know at what threshold a travel plan coordinator gets involved with a permission at ECC and without such coordination there is no meaningful action. Reducing threshold to 150 dwellings would capture more schemes than now/be more proportionate. Again, we need more detail and concerned regards the high monitoring costs. Enhanced Travel Packs for sites between 80+ and 150 dwellings may be more appropriate than a travel plan especially in rural areas/development that is near to a rail station/bus service and pack.</p>	<p>choices. The threshold of 80+ dwellings is also benchmarked against other Eastern Region Authorities, e.g. Hertfordshire County Council.</p>

Respondent	Response Passenger Transport	ECC Comment/Action
Pegasus Group (on behalf of Bloor Homes as Eastern and Endurance Estates)	ECC to provide support to allow collaboration between developers and bus service providers.	The Council acknowledges the important of working with developers, planning authorities and operators and already does so to facilitate within the resources available to us and will continue to do so.

Respondent	Response Waste Management	ECC Comment/Action
Bellway	Not CIL compliant. Funded through Council Tax and government grants.	Council Tax funds the collection and treatment of waste but does not fund the local authority infrastructure required to deliver this i.e. Recycling Centres for Household Waste (RCHW)/Waste Transfer Stations (WTS). Government grants are not available to develop waste infrastructure of this type. In the absence of developer contributions, the development of new or upgrading of existing RCHW/WTS would need to be funded in totality through additional capital borrowing Further consideration has been given to this and currently contributions will only be requested in connection with Garden Communities. However, this will be reviewed and may change if there is found to be the need for planned expansion of existing sites and/or the creation of new sites.
Pegasus Group (on behalf of Bloor Homes as Eastern and Endurance Estates)	Justification needed as to why council tax is insufficient to fund waste management.	Council Tax funds the collection and treatment of waste it does not fund the local authority infrastructure required to deliver this i.e. Recycling Centres for Household Waste (RCHW)/Waste Transfer Stations (WTS). Government grants are not available to develop waste infrastructure of this type. Section rewritten.
Persimmon	Charges are not justified as this is paid for through Council Tax. Would not meet the Reg 122 tests.	Council Tax funds the collection and treatment of waste but does not fund the local authority infrastructure required to deliver this i.e. Recycling Centres for Household Waste (RCHW)/Waste Transfer Stations (WTS). Government grants are not available to develop waste infrastructure of this type. In the absence

Respondent	Response Waste Management	ECC Comment/Action
		of developer contributions, the development of new or upgrading of existing RCHW/WTS would need to be funded in totality through additional capital borrowing Further consideration has been given to this and currently contributions will only be requested in connection with Garden Communities. However, this will be reviewed and may change if there is found to be the need for planned expansion of existing sites and/or the creation of new sites.
Strutt & Parker	New development does not lead to increased waste management costs - these being driven by falling landfill capacity and higher environmental standards. These reqs not CIL compliant and proposed costs not proportionate per dwelling	Not agreed. Extra homes and residents will inevitably increase the volume of waste generated and needing handling in any area No changes
Basildon Borough Council	Basildon supports the introduction of financial contributions towards waste management but will collect and manage such contributions. BBC will work with ECC to identify how best to spend the contributions at the time of collection.	ECC does not agree with the principle that BBC will collect and manage the contributions. This adds an unnecessary bureaucratic layer to the process and the decision about how money is to be spent is made when ECC responds to a planning application and is confirmed during the drafting of the S106 agreement, not at the time of collection
Basildon Borough Council - second consultation response	Supports the approach taken to requesting waste management contributions for new Garden Communities, although this will not apply in Basildon.	Noted
Chelmsford City Council	This requirement is recognised (expansion of facilities or creation of new facilities). As guide does not identify specific waste projects, CCC is unclear how guide meets CIL regs test on this. Methodology for (100 unit) threshold not set out.	Further consideration has been given to this and the requirement for contributions is to be limited to new Garden Communities at present. However, a further focussed review may result in a change to this policy.
Rochford District Council	No objection in principle to large schemes paying towards this use to increase waste infrastructure capacity	Noted

Respondent	Response Libraries	ECC Comment/Action
Bellway	Not CIL compliant. Evidence of need for all developments >20 units not robust.	<p>Provision of a Library Service is a statutory duty (1964 Public Libraries & Museums Act), and Essex County Council is required to provide a comprehensive and efficient service for persons resident, working or studying in the area that want to make use of it. Contributions will be sought to provide additional facilities where there is expected to be significant growth in population created by development and therefore it is necessary to make the development acceptable in planning terms. Contributions will only be used towards capital costs and must be used towards a project geographically close to the housing development as to be directly related to the development. A service requirement of 30m2 net of public library space per 1000 population found in the Museums, Libraries and Archives (MLA) advice. The average cost per sq.m. for library provision is £2,020 (RICS East of England Library tender value first quarter 2013). Based on an average household size of 2.4 occupants this gives a figure of £144 per dwelling + £75 for stock meaning any contribution requested is fairly and reasonably related in scale and kind. Costs have been updated.</p>

Respondent	Response Libraries	ECC Comment/Action
Pegasus Group (on behalf of Bloor Homes as Eastern and Endurance Estates)	No clear evidence of need and link between new development and library requirements.	See above. The financial contribution is the mitigate the impact of development.
Persimmon	Not directly related to developments and does not meet the 3 tests under CIL Reg122.	Provision of a Library Service is a statutory duty (1964 Public Libraries & Museums Act), and Essex County Council is required to provide a comprehensive and efficient service for persons resident, working or studying in the area that want to make use of it. Contributions will be sought to provide additional facilities where there is expected to be significant growth in population created by development and therefore it is necessary to make the development acceptable in planning terms. Contributions will only be used towards capital costs and must be used towards a project geographically close to the housing development as to be directly related to the development. A service requirement of 30m2 net of public library space per 1000 population found in the Museums, Libraries and Archives (MLA) advice. The average cost per sq.m. for library provision is £2,020 (RICS East of England Library tender value first quarter 2013). Based on an average household size of 2.4 occupants this gives a figure of £144 per dwelling + £75 for stock meaning any contribution requested is fairly and reasonably related in scale and kind.
Strutt & Parker	Improved or additional libraries provision not directly linked to new homes provision. Instead LPs should set out strategic and site specific approach to libraries provision, in turn supported by ECC	Not agreed. Occupiers of new homes can reasonably be expected to require library service provision, which needs to be adequate to meet their needs and extra / new residents increases

Respondent	Response Libraries	ECC Comment/Action
		demand on services (or may require new facilities / services), otherwise requiring expansion / enhancement of these. Future libraries services provision not the rightful domain of LPs, as not a service responsibility of LPAs No changes in response as ECC consider these requirements necessary, justified and CIL compliant
Basildon Borough Council	Basildon Council supports the improved library provision in Basildon and welcomes the suggested methodology for the contribution of calculations. However through working with Essex County Council, Basildon Council will collect and manage contributions, and look to ensure that any contributions for the improvement of library services which are generated within the Borough through new development are invested into sustainable long term library/community learning projects which directly benefit Basildon Borough residents.	ECC does not agree with the principle that BBC will collect and manage the contributions. This adds an unnecessary bureaucratic layer to the process and the decision about how money is to be spent is made when ECC responds to a planning application and is confirmed during the drafting of the S106 agreement, not at the time of collection. The use of such contributions would directly benefit Basildon Borough residents.
Basildon Borough Council - second consultation response	As above	As above
Colchester Borough Council	Surprise at libraries contributions requirement given ECC libraries service review / closure proposals	Essex Future Libraries Strategy 2019-2024 states 'We will not close any libraries in the next 5 years' and 'We will invest in the library service to create new vibrant, modern spaces in council-run libraries in towns, villages and suburbs across the county. And we will work strenuously with local people to set up community-run libraries and provide funding and support to help make them a success.'

Respondent	Response Libraries	ECC Comment/Action
Colchester Borough Council - response to second consultation	The new request for library contributions (Para. 5.10.3 Libraries) CBC is uncertain how the provision of libraries achieves CIL Reg compliance as surely this could be provided in a digital format or co-hosted with other community facilities? The Essex guideline for a new stand-alone library is that it should serve a discrete community of at least 5,000 people - very few developments will therefore demand a dedicated library and surely there are digital solutions to physical provision and co-location in schools or other community facilities is a logical way forward?	Libraries already use their spaces in multiple ways and funding will support the continuation of a blended approach to the delivery of these essential services for all including vulnerable people and give a solution to those in isolation. Digital solution is one channel but is not available to all. Some residents have no access to technology, others are isolated for a number of reasons, and group sessions enable socialisation in an informal way.
Rochford District Council	No objection in principle to EDG additional requirements on schemes of 20 homes to contribute to capacity increases for this use	Noted
Rochford District Council - response to second consultation	Generally comfortable with the wording but will need to justify each request. ECC will need to consider its overall library strategy when responding to applications.	Noted
Uttlesford District Council	New 20+homes threshold stated as 'contributions where necessary' but need more clarity on when this will or will not apply. New threshold possibly too low.	Less investment statement now removed as no longer in-line with the new Library Strategy.

Respondent	Response Flood Water Management	ECC Comment/Action
Howes Percival (on behalf of a number of (unnamed) developers, promoters and landowners in and around Essex)	30 years maintenance is unreasonable (maintenance contributions should only be payable for the period of development). Council tax receipts can be used for this. 3 year commuted sum is more reasonable. If managed by a management company then future maintenance would be via plot purchaser or occupier service charges.	The guide explains the need for this. None required.
Epping Forest District Council	Would welcome section in document to enable integration of SUDs into wider assets, e.g. public open space / sports facilities, with benefit of dual functions and more efficient capital costs. This helps address issues of different development scales raising different	The section on flooding (now at 5.11) is to be updated to reflect recent changes in respect of SuDS. Further changes to be made to Guide on receipt of appropriate advice.

Respondent	Response Flood Water Management	ECC Comment/Action
	provision / costs/ adoption issues. EFDC is currently exploring various future stewardship options.	

Respondent	Response Monitoring Charges	ECC Comment/Action
Barton Willmore	Not appropriate for ECC to impose as LPA monitors obligations associated with their agreements.	Any monitoring costs collected by the LPA should cover only those obligations required by the LPA. ECC is entitled to request monitoring costs for obligations for which we are the statutory authority such as education and highways. Such costs will also include costs incurred in preparing the annual Infrastructure Funding Statements as required in the recent changes to the CIL legislation. None required.
Basildon Borough Council	Basildon Council does not support the approach set out in the Guide. As BBC will collect and manage contributions no charge should be paid to ECC for this purpose other than in respect of the review and monitoring of travel plans.	ECC does not agree with the principle that BBC will collect and manage contributions and therefore this charge would be applicable. This charge would also cover the continued monitoring of the spending of such contributions as well as costs incurred in producing the annual Infrastructure Funding Statements which are required to be produced at County as well as District level.
Basildon Borough Council - second consultation response	As above	As above
Rochford District Council	No objection to proposed changes	Noted
Rochford District Council - response to second consultation	RDC will expect to see ECC Infrastructure Funding Statements which part of the monitoring costs would be used for. This will provide clear evidence of how and where contributions will and are being used.	Noted - the Infrastructure Funding Statements will be published on the ECC website as required by legislation.

Respondent	Response Additional Comments	ECC Comment/Action
Basildon Borough Council - second consultation response	Supports the inclusion of the section on viability at 1.6. However adds that "Basildon Council will be identifying, collecting and managing S106 contributions generated from development in Basildon".	Noted but not agreed that Basildon alone will deal with all S106 contributions generated by development within its area.
Colchester Borough Council	CBC considering collecting and managing all developer contributions - until specific projects identified for investment	ECC does not agree with the principle that CBC will collect and manage the contributions. This adds an unnecessary bureaucratic layer to the process and the decision about how money is to be spent is made when ECC responds to a planning application and is confirmed during the drafting of the S106 agreement, not at the time of collection.
Epping Forest District Council	EFDC will collect - and manage / monitor – all planning obligations / developer contributions for all ECC infrastructure functions in line with the IDPs and do not require ECC to do this. EFDC will work with ECC to identify how best to spend the contributions raised at the time of collection.	ECC does not agree with the principle that EFDC will collect and manage the contributions. This adds an unnecessary bureaucratic layer to the process and the decision about how money is to be spent is made when ECC responds to a planning application and is confirmed during the drafting of the S106 agreement, not at the time of collection.
Epping Forest District Council - response to second consultation	EFDC observes that the amount and number of financial contributions has increased since the 2016 version, the justification for this is identified in the document. EFDC has recently undertaken additional viability work to support the Local Plan and on which we consulted in December/January 2020. The Council is also currently updating the IDP to support the local plan and to consolidate the earlier work in accordance with agreed actions with the Inspector. We understand that the ECC contributions guidance will not be adopted until May/June so the County should be aware that this work is based on the 2016 adopted guidance and will not be able to take account of the draft updated guidance.	Noted

Respondent	Response Additional Comments	ECC Comment/Action
Harlow District Council	Concerned at introduction of new requirements for contributions such as employment and skills, waste management etc. These are typically collected and monitored by LPAs.	Noted but this is not the case with employment and skills as not all of the LPAs have the expertise to deal with this, in respect of waste management this s would relate to the ECC responsibilities as opposed to the LPAs'. A meeting was held with Harlow officers to discuss matters further.
Uttlesford District Council - response to second consultation	As LPA, UDC will collect, manage and monitor these financial contributions and work with ECC to identify how best to spend contributions at time of collection.	ECC does not agree with the principle that UDC will collect and manage the contributions. This adds an unnecessary bureaucratic layer to the process and the decision about how money is to be spent is made when ECC responds to a planning application and is confirmed during the drafting of the S106 agreement, not at the time of collection.

Section 6: Further Advice on Key Issues

Respondent	Response Contact with Local Planning Authorities	ECC Comment/Action
Howes Percival (on behalf of a number of (unnamed) developers, promoters and landowners in and around Essex)	Public art - not the responsibility of ECC but of the LPA	Agreed
Strutt & Parker	Guide includes reqs for non-county councils service areas / duties, e.g. biodiversity and public art. These to be addressed by 2nd tier councils (LPAs) instead, through LPs on case by case basis. Stated reqs appear to be the rightful domain of LPs. Also biodiversity obligations reqs not clear in the guide	ECC acknowledges that not all LPAs' LPs will reference these considerations although the NPPF provides a policy basis for both and many LPAs already seek to secure the latter. The guide assists by alerting these potential requirements to developers / applicants and helps explain how this might be met / achieved in practice. The former (biodiversity net gain) is also a relatively new concept, so it is considered helpful to help the development sector implement this where appropriate. In addition, ECC provides specialist advice services to LPAs on this matter to inform the planning process. The guide recognises and makes clear that public art would need to be secured by LPAs / LP policies
Chelmsford City Council - response to second consultation	Introduction does not clarify which matters are the responsibility of ECC and which lie with the LPAs.	Agreed
Epping Forest District Council - response to second consultation	It is noted that a new paragraph has been included at 6.9 – Employment Sites. The Council is concerned at the suggestion that in mixed use developments the delivery of housing should be tied to “successful delivery of employment floorspace (rather than simply	Noted. This is for advice only.

Respondent	Response Contact with Local Planning Authorities	ECC Comment/Action
	market employment land)”. Unless there is a critical mass of housing that could appropriately be served by retail/employment there is concern that this could preclude delivery of housing at the rates identified in EFDC’s housing trajectory. Moreover, it is questionable whether linking housing delivery to employment availability would meet the relevant tests in the NPPF. EFDC take the view that any material harm arising from lack of employment delivery would need to be considered on a case by case basis. EFDC are broadly supportive of the second bullet point of Paragraph 6.9 in so far as non-residential floorspace should be flexible and adaptable. However, in high street and neighbourhood centre location it is not considered that all measures would be appropriate, e.g. ceiling heights that allow a variety of economic activity, as this could undermine the establishment of designated employment uses, such as retail in favour of B uses. Although it is noted that the wording offers Districts the discretion not to apply the criteria in every case. The Council is pleased to see meanwhile uses encouraged on vacant sites in the final section of Para 6.9.	
Uttlesford District Council - response to second consultation	UDC accepts the removal of some areas from section 5 to section 6 where specific contributions are not requested and/or where the subject is a matter for the LPAs. A section on the emergency services has been added to section 6.	Noted. This is for advice only.

Respondent	Response Protecting Biodiversity	ECC Comment/Action
Barton Willmore	Section provides little context unless read in conjunction with the relevant appendix. 'Seven Step' process summary would be helpful here.	Amended accordingly Section reworded and moved to Section 6 and appendix changed as necessary.
Practical Ecology	Comments related to biodiversity offsetting trial in Essex, NPPF and mitigation hierarchy and the general format of the section, as well as the content in the appendix.	This section and the appendix have been rewritten. Changes made as appropriate.

Respondent	Response Adult Social Care, Public Health and NHS Healthcare	ECC Comment/Action
Howes Percival (on behalf of a number of (unnamed) developers, promoters and landowners in and around Essex)	Sections are not clear on how a proposed development would contribute.	This section has been expanded and moved to Section 6.
Strutt & Parker	Developing new homes does not create a need for ASC services provision. These needs are demographically driven - ageing population. Also use of required planning obligations for this purpose is unclear	ECC does not agree. Needs of all types of homes occupiers need meeting, including ensuring provision of accommodation that meets their needs and services tailored to all sections of the population, including elderly, frail or those with disabilities / other limiting health conditions.
Basildon Borough Council	Basildon supports the approach taken in respect of these matters within the Guide and has indicated that they will collect and manage contributions.	ECC accepts that, in respect of NHS payments related to health matters, the LPAs already collect and manage such contributions. In respect of Public Health and Adult Social Care, if contributions are to be collected for use by ECC then ECC will collect and manage such contributions.

Appendices

Respondent	Response	ECC Comment/Action
Howes Percival (on behalf of a number of (unnamed) developers, promoters and landowners in and around Essex)	Comments on drat S106 - Clause 5.5.1 – notice of commencement should be required within e.g. 14 days of commencement due to issues re delays and having to re-serve notices. Clause 5.5.2 – no need for Payment Notices as ECC will be monitoring and other notices are generally required at trigger points. Developers should be able to request information on contributions at any time.	Not appropriate as some payments may be due prior to commencement. In any event the vast majority of developers do not comply with this requirement. Agreed but the vast majority of developers do not comply with the requirements to serve notices at trigger points. Agreed but the new Infrastructure Funding Statement requirements will deal with this.
Chelmsford City Council	Update reference to 2019 NPPF in Appendix M (now J)	Noted