

Appendix C - Schedule of Comments received through the February - March 2023 consultation and the actions subsequently taken.

Section of Document	Organisation name	Comment	Suggested amended/added text
Overall Approach	Basildon BC	It is essential that the Essex Developers Contribution Guide is robustly justified and takes account of all recent relevant caselaw to reduce the risk of it being subject to challenge. We would draw your specific attention to the recent decision given in R (University Hospitals of Leicester NHS Trusts) v Harborough District Council [2023] EWHC 263 (Admin) (copy attached) which provided clarity on the need to first establish if there is a funding gap which meant that the added pressure of the development would not be funded in the first year of occupation by new residents of the scheme. This also addressed the issue of whether a contribution should be approached if it had been established that there was a funding gap. In this case, the Judge made some observations about the principle of a contribution to an NHS Trust from a new housing development at including that a local funding gap would only arise if funding for the relevant NHS trust did not adequately reflect a projected increase in population and/or the national funding system did not adequately provide for a timely redistribution of resources. However, if there is a systemic problem in the way in which national health resources are distributed to local providers, that may raise the question of whether it is appropriate to require individual development sites across the country to make s.106 contributions to address that problem.	Agreed. Revisions to the Guide and ECC's work around contributions requested under s106 are undertaken in line with the CIL Regulations. The Guide has been in place for 20 years and has always complied with the prevailing regulations, guidance and law.
Section 3.2 - Type and level of contributions	Basildon BC	It is our view that ECC's commitment in paragraph 3.2 that 'Any appropriate local surplus service capacity will be taken into account before making any request' falls short of the	ECC is prepared to manage the risk around any challenge as necessary.

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and triggers for payment		requirements set out in the above case and could leave ECC at risk of challenge.	
Section 1.6 - Viability	Basildon BC	<p>While it is important to acknowledge that it is for the Local Planning Authority to determine viability, all viability work has to be provided as part of the planning application process and is viewable online. This section is out of date and gives the inadvertent impression that LPAs are not transparent.</p> <p>Suggested new text shown in red.</p> <p>ECC expects vViability in the decision-making process is to be assessed in line with the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and the Essex Local Viability Protocol and is made publicly available. expect any viability report submitted to be shared with ECC.</p> <p>It is recognised that it is the responsibility of the local planning authority to assess the reasonableness of the level of contributions sought by any individual S106 obligation. The viability of sites, and S106 obligations, should be assessed and determined by the local planning authority during the Local Plan production stage. Only a local planning authority can consider the combined implications of all the obligations on an individual application. Essex County Council will not negotiate directly with applicants over a level of contribution requested, although working in partnership with Councils we would expect to be able to work collaboratively as the public sector partners engaging with a prospective developer.</p> <p>The County Council will not agree to any reductions in obligations at the planning application stage, unless the applicant can</p>	These changes are not considered to be necessary. It is useful to have the confirmation that viability reports are made public by Basildon, as this will then enable sharing with ECC.

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		<p>demonstrate, in line with the NPPF, that particular circumstances justify the need for a new viability assessment to be completed. The local planning authority will consider such cases in the light of those NPPF / PPG provisions and against relevant extant Local Plan policies. In this respect, tThe NPPF makes clear that the weight to be given to such viability assessments is a matter for the local planning authority, as decision maker, to determine. Under no circumstances will the price paid for land be a relevant justification for a reduction in obligations.</p> <p>On occasion, it may be necessary for a local planning authority to take a view on the viability of a development to meet the infrastructure requirements outlined by each infrastructure provider. In these instances, and specifically when a Council service need is asked to reduce an obligation, Essex County Council would expect a viability assessment to be prepared and shared in alignment with national policy and best practice guidance.</p> <p>Where the full contributions sought by ECC cannot be achieved at the decision making stage, ECC will work with the LPA to consider possible use of other options such as overage clauses, phased payments and/or early late stage reviews. The LPA is the decision maker.</p> <p>County Council officers will monitor any departure from the normal approach for S106 and CIL, as outlined within this guide, and report to County Council senior officers and/or Members. Essex County Council will be transparent regarding any and all S106 and</p>	

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		CIL processes, decisions and procedures and our outrun record published in the annual Infrastructure Funding Statement.	
Section 4.4 – Land, Building and Contributions in kind - Legal Agreements to Transfer Land	Basildon BC	<p>If an area is identified as the preferred location for a new school, ECC should consider the existing use value of the land. This change would reduce flexible.</p> <p>See also comment below on Table 1, Page 3.</p> <p>Suggested amendment:</p> <p>In line with DfE guidance, additional land for expansion of new school sites should be safeguarded and alternative uses should be precluded thus enabling ECC to purchase such sites at the intended education use value an appropriate cost.</p>	ECC would prefer to retain the current wording to maintain the flexibility needed.
Section 5.2.7 – Schools - School Site Areas	Basildon BC	<p>Regarding “Land for 6th form provision is required alongside all secondary school sites and the figures above include land for 6th form provision. However, construction of 6th form provision will follow occupation of the secondary school, and therefore siting of vehicle entrance requires careful consideration. Discussion with ECC is recommended.”</p> <p>Lack of detail about this requirement especially where there are alternative further education collages in close proximity to school.</p>	<p>Text amended to:</p> <p>Land for 6th form provision is <u>may be</u> required alongside all secondary school <u>sites, even when there are alternative further education facilities located within an appropriate distance.</u> and the <u>On that basis,</u> figures above include land for 6th form provision. <u>Any request made by ECC for such provision will be justified through evidence and reflect local circumstances. This</u></p>

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			<p><u>process may find that additional provision is not necessary. As such, early engagement with ECC in its capacity as the education authority is requested.</u></p> <p>Construction <u>of any</u> 6th form provision <u>secured in this manner</u> will follow occupation of the secondary school, and therefore siting of vehicle entrance requires careful consideration. Discussion with ECC is recommended.</p>
Section 5.2.7 – Schools - School Site Areas Table 6	Basildon BC	<p>Regarding “The developer will be required to complete a sport pitch feasibility to ensure the land proposed is fit for education and out of hours community use.”</p> <p>Support the principle of this amendment but this should go further with ECC actively promoting and supporting community use agreements.</p>	Community Use Agreements may not always serve the priority education purpose of a school. Such agreements may be entered into on a case by case basis and therefore this suggestion is not considered necessary.
Section 5.2.9 – Schools - Special Education Needs	Basildon BC	<p>Regarding “SEN financial contribution changed to 7 places per 1,000 dwellings from 14 places per 2,000 dwellings.”</p> <p>Support the principle however not clear how this figure has been reached. The other percentages do not appear to relate to this figure. Where a development has a lower child yield, for example majority 1-2 bed flat development, this contribution should also be reduced proportionally.</p>	<p>The evidence for this amendment is drawn from the ECC SEND team’s work across the county. If this is challenged by a developer/a matter for appeal this can be addressed.</p> <p>Comments on this matter would be welcomed at this</p>

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		As per the comment at 5.1.3 it seems unlikely that child yield will be identical across the different London Fringe, Urban and semi-rural Council areas in Essex.	stage. Any change in provision will be reflected through an update to this Guidance.
Section 5.3.1 – School Transport and Sustainable Travel - How the Need to Provide School Transport is Assessed	Basildon BC	<p>Regarding update to costings.</p> <p>On average the cost of transporting a primary school child to school is £16.63 per day (return). The corresponding cost for secondary school transport is £5.24 (April 2021 costs</p> <p>Question how these figures are calculated? Children will be travelling variable distances from home to the school. Secondly, are these figures still accurate in February 2023?</p>	The figures are provided by the School Transport Service and relate to justifiable costs of transporting children where there is no safe walking route. It is evidence base research which has been successfully defended and provides a vital link for families where development has been permitted in locations where alternatives are less sustainable. Further updated costs have been provided since the consultation in March 2023 and these are included in the updated Guide.
Section 5.4.1 – Employment and Skills Plans - Service Overview	Basildon BC	<p>Regarding “Residential sites with 50 dwellings or more, or employment sites providing 2,500sqm (GIA) or more of floorspace will be required to provide an Employment and Skills Plan (ESP).</p> <p>Therefore, developers and landowners are required to produce an ESP to reflect the profile of individual construction projects. This ESP will be produced through consultation between the</p>	Further updates to this section have been undertaken following the consultation and seek to address these comments. The underlying principle is ECC supporting and working to support LPAs,

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		<p>developer and landowner and the LPA and ECC where relevant. Unless there is an existing plan, the ESP must address the employment and skills needs in the area that arise in line with the construction project. The ESP must be shared with and agreed by the LPA and ECC ahead of the s.106 being signed off.”</p> <p>It is noted that ECC propose draft templates etc, but ECC’s comprehensive approach seems to bring a risk of tension with local Employment and Skills work.</p>	with templates provided to support as necessary where some districts may not have these in place.
Section 5.4.3 – Employment and Skills Plans - Financial contributions towards Employment and Skills	Basildon BC	<p>Regarding “Financial contributions will be calculated by the LPA and ECC where relevant in consultation with the developer and landowner, based on the strategic aim to be met and will be proportionate to the scale of development or resulting employment opportunities from the project. The LPA and ECC can support in both identifying the skills and employment need in an area and in calculating the appropriate contributions. The calculations in Appendix L and the Employment and Skills Plan templates in Appendix L3 can be used as a guide where appropriate.”</p> <p>ECC’s approach to in-lieu payments should not undermine or contradict Local Planning Authority E&S policies, approaches and priorities.</p>	Noted.
Section 6.3.2 – Protecting Biodiversity - Mechanisms for achieving	Basildon BC	<p>Regarding “On-site delivery is preferred but where this cannot be secured, the metric favours offsetting as close to the impact site as possible”.</p> <p>This is correct, but the operation of the Natural England Metric does not respect local authority boundaries. DEFRA acknowledge this may create challenges where a development</p>	Noted. ECC and LPAs are working in an emerging field, which has already seen changes at the national level since the Guide was published for consultation. All

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Biodiversity Net Gain		<p>site is situated near a borough boundary, and the nearest site for enhancement is in another LPA are yet offsetting elsewhere within the same LPA area may result in a lower score under the metric. The Government's proposals for offsetting (buying and selling credits) appear to allow for offsite commitments to be potentially discharged anywhere land is available, thus undermining the metric. ECC will need to check that the text correctly reflects DEFRA's proposals for BNG.</p> <p>BNG discussions with DEFRA and PAS indicate that developers are typically reluctant to sign up to the full 30 year term for maintenance at this point given the high costs and lack of flexibility this can entail.</p>	<p>planning authorities are currently required to base decisions on the DEFRA metric extant at the time of the decision being made. There is the potential that this will be a further evolving area which will require additional change in future. The wording in the revised Guide has been drafted in consultation with the Local Nature Partnership (LNP). This seeks to signpost the more detailed guidance produced by the LNP.</p>
Section 1.2 – Introduction – What is new in this Guide?, Table 1	Basildon BC	<p>Text should refer to financial contribution <u>and/or</u> land.</p> <p>At Gardiners Lane South, ECC sought the full contribution and land. The scheme did not generate the need for a school itself but nonetheless provided sufficient land for a new primary school. There was no recognition of that over provision of land by ECC and furthermore they maintained they also wanted the full financial contribution. This is double counting and risks penalising larger developers that are proposing new schools on their sites. If land is being provided then the financial contribution should recognize this</p>	<p>Both elements are important, and this approach is not out of step with the CIL regulations. In circumstances where no local plan is available to support ongoing spatial development it is necessary for ECC to seek to secure both elements.</p> <p>This level of detail seems unnecessary for the introductory section. There is clarity in the detailed sections</p>

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			regarding the triggers for land and/or financial contributions.
Section 1.6 - Viability	Basildon BC	Insert some text on scheme viability, including the possible use of options such as overage clauses, phased payments or early late stage reviews if or where the full contributions sought by ECC cannot be achieved at the decision making stage.	Agreed, such overage clauses are needed on a case by case basis. Additional text has been included in this section to reflect the options around viability reviews.
Section 3.2 – Guidance applicable to all Section 106 Contributors - Type and level of contributions and triggers for payment	Basildon BC	It is ECC's policy to ensure that contributions are spent within a period of 10 years following their receipt. However, text should also be clear that in the event of any portion of a contribution remaining unspent, the funds will need to be returned to the developer.	Agreed. However, this is already reflected in s106 agreement template text.
Section 3.3 - Guidance applicable to all Section 106 Contributors - Indexation	Basildon BC	The indices may be subscription only, but this would not prevent ECC from mentioning that e.g., the BCIS All-in Tender Price Index is used, or CPI (in the interests of transparency). Many developers and consultancy firms will already subscribe to that data. Indexation should not be backdated. It should be from the date the scheme is approved.	Proposed amendments to the relevant section seek to address this issue, stating that "Most indices <i>used to calculate the contributions set out in this Guide</i> are available on a subscription basis. ECC cannot therefore always provide the index to developers as that would be

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			<p>in breach of copyright. ECC will, however, perform the calculation and provide an explanation of the result, <u>including the title of the date source used</u>, if requested to do so.</p> <p>The title of the index used for each contribution has been added to the summary table in Section 5.</p> <p>The indexation is 'back dated' to the date at which the cost of infrastructure was calculated. This allows the full cost of delivery of infrastructure to be secured, regardless of the planning permission date. No change is therefore necessary with regards to the backdating approach.</p>
Section 4.2 – Land, Building and Contribution in kind - Site Suitability	Basildon BC	<p>Support for the Site Suitability at the pre application stage.</p> <p>EDG should promote/support community use agreements.</p>	Agreed, and will be done on a case by case basis.

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Section 5 – Contributions Required by Service Area	Basildon BC	There will be other planning obligations being sought by the local authority and the development will need to remain viable for the permission to be implemented.	<p>Noted. This is made clear in national Planning Policy Guidance, which states that “Authorities will also need to ensure that policies setting out contributions expected from development do not undermine delivery of the plan. Plan viability assessment should be carried out in accordance with guidance.” (Paragraph: 059 Reference ID: 61-059-20190315)</p> <p>No changes are considered to be necessary.</p>
Section 5.1.3 - Calculating the demand from new housing development (Early Years) and 5.2.3 - Calculating the demand from new housing	Basildon BC	<p><i>“ECC estimates that the child yield from qualifying houses is nine children per one hundred homes (0.09 per dwelling) with half this number expected from qualifying flats i.e. 0.045 per dwelling”.</i></p> <p>Is the use of a standardised yield figure appropriate as the approach does not pick up any differences in tenure? By way of comparison in London, GLA data shows that the child yield is higher from social housing than market schemes.</p> <p>Is there any data which confirms the lack of variance in child yield from housing development across the different city,</p>	<p>The child yield methodology is one used by the Education Service, is considered defensible, is in line with the CIL Regulations and workable from a practical perspective. No changes are considered appropriate at this time, but should the Education service develop its evidence in this area, additional changes may be appropriate in future.</p>

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development (Schools)		borough and semi-rural districts in Essex, given the formula is used to help calculate place provision?	
Section 5.2.2 – Schools - How the need for additional school places is assessed (and onwards)	Basildon BC	Capacity of Early Years Childcare facilities, primary and secondary schools should be identified within the ward of the application site and adjoining wards. Basildon has had major town centre schemes seek significant EYCC contributions and a similar site a short walk away, but in a different ward, no EYCC contribution was required. This is due to the rigid use of wards to determine capacity. Where contributions are agreed, the subsequent S106 has sought to deliver expansion or new facilities within a 3 mile radius of the application site. This needs to be reviewed. If it is acceptable and reasonable to use S106 money to enhance or build a new EYCC/primary/secondary facility within a radius of 3 miles, then the assessment of capacity in the first instance must be wider than the ward of the application site.	Agreed. This is an ongoing area of work involving the legal team and service areas. Although no change can be made at this time ahead of the aforementioned work being completed, it will be revisited in future.
Section 5.2.2 – Schools - How the need for additional school places is assessed, also Table 2	Basildon BC	Regarding the threshold <i>“20 or more dwellings will be assessed and could generate a request for a contribution”</i> . It is noted that a developer <i>could</i> be asked for a contribution, but ECC should not seek to use the low threshold as justification to request contributions which are unable to be spent. The amount of money available for a scheme to settle its planning obligations will always be finite. LPAs cannot afford to risk deficits in funding for infrastructure elsewhere, or for circumstances to arise where the LPA needs to accept a lower level of affordable housing.	Agreed in principle, and where there is certainty regarding the mitigation required at the point of preparing a response, the definitive figure is included in that response. In practice, the process is subject to variables, and in situations where the scale of housing development is uncertain it is necessary to confirm final contribution levels,

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		Table 2 should therefore include both figures extension and new build as per 5.2.6 and the single response should identify the project i.e. new build or extension.	commensurate with the project, within the s106 agreement itself. No change to the existing wording is therefore considered necessary .
Section 5.2.7 – Schools - School Site Areas (Table 5)	Basildon BC	There is a need to recognise flexibility for site areas for new schools in appropriate circumstances. For example, a new school in a densely developed urban location it may be more appropriate to seek a design which make best use of available space, than to seek areas towards the top end of the recommended range. Also, it should be confirmed which project the contribution is to be spent on (i.e. new build or extension).	<p>There is a justifiable minimum standard for school buildings and surrounds. It is appropriate for the Guide to uphold these standards and not seek to undermine this position by watering down expectations.</p> <p>In practice, discussions on a case by case basis are open to design innovation to respond to the location. No change is considered necessary, given that where exceptions are required bespoke solutions will need to be found.</p>
Section 5.6.3	Basildon	Generally supportive of this section and reflects mode shift to active travel.	Support noted

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Section 5.9.8	Basildon	Support – reflects mode shift to active travel.	Support noted
Section 5 - Contributions Required by Service Area	City and Country	<p>Firstly, the table contained within Section 5 of the document provides a helpful reference and starting point for discussion regarding developer/s106 contributions. If further information about a particular contribution is required, then the further sub-sections within Section 5 allow for expansion. That being said, the document as a whole is particularly lengthy and therefore a clearer and more concise document could provide clarity for developers in particular, without having to sift through a fair amount of text. It is recognised that it is not possible to provide a formula for each contribution and that certain requests will be both variable and site specific, but any clarity on the expected contributions where possible would be helpful, to allow for a more consistent approach and understand what the baseline position for discussion would be.</p>	<p>It is accepted that the document is lengthy. However, the document is a how-to guide and is therefore not necessarily intended to be read cover-to-cover. The additional detail provided presents the rationale for the need and scale of contributions, and other information considered relevant, in order to clarify the expected approach.</p> <p>As set out in the consultation response, the Guide includes a summary table, which includes trigger values and calculation methodologies, and which also clearly signposts where more detail can be found within the Guide with respect to any single type of contribution. The trigger values allow the developer to understand whether a particular contribution would be required for their</p>

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			<p>development and consequently points them towards the more detailed sections that will be of relevance to them.</p> <p>Having read the relevant sections of the Guide, the developer is encouraged to contact ECC with any additional points requiring clarification.</p>
Whole Document	City and Country	I also wanted to take this opportunity to ask please if you expect the updated version of the document to go out for public consultation before being endorsed by ECC? This would enable the opportunity for more specific and tailored comments on any proposed changes.	The opportunity to comment on the Guide was provided in spring 2023. If there are factual errors once the document has been finalised with all suggested updates, these are welcomed. The Guide is regularly reviewed.
Section 6.8 – Further Advice on Key Issues - Emergency Services (Essex Police)	Essex Police	<p>Following our meeting around updating the emergency services element of the Developers guide, we have drafted the below for the police section. We have kept the section broad in terms of content with the intention to provide more detail in the Design guide update, and additional detail in the protocol we aim to develop as per our discussions.</p> <p>Essex Police The extensive planned expansion of housing and infrastructure development, including the establishment of new Garden</p>	All changes agreed and will be included in the updated Guide.

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		<p>Communities, will have a significant impact on the demand for policing services. It is expected that increased revenue through any expanded council tax base will meet the costs of day to day resources, but this will not be sufficient to meet strategic needs, including the expansion of the policing estate with appropriate facilities and capabilities, such as custody suites, technology and infrastructure.</p> <p>There are opportunities to consider land allocation and service supplies, as well as a strategic approach to crime prevention through the layout of housing and commercial development, which if considered at an early stage could reduce crime and enable a policing response to be efficient and effective.</p> <p>Essex Police seek to</p> <ul style="list-style-type: none"> • work with planners, architects, and developers to ensure that new developments in Essex provide a mix of well-designed homes, open spaces and neighbourhoods that include the prevention of Crime and Disorder through well-designed places and includes the provision of a sense of community and safety. • work collaboratively with developers and relevant authorities to ensure that new developments are planned and designed to improve safety on the various road networks. This will include; the Safe System approach Vision Zero; redesigning speed limits; and preventing those Killed or Seriously Injured (KSI) and Road Traffic Collisions where possible. • Include infrastructure considerations to ensure and develop an efficient policing response in the future. The Essex Police Zero Emission Fleet and Infrastructure Strategy is committed to achieving a fully electrified vehicle fleet by 2035 and a community-based charging infrastructure is key in supporting 	

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		<p>extended patrols and recharging vehicles during and after operations. The inclusion of charging facilities for emergency services use into development design allows expanded patrol areas and an increased visible policing presence, contributing to a safer environment for local communities and visitors.</p> <p>As a key emergency service provider, Essex Police advocates to continuously adapt and reflect its practices to ensure that the service provided is efficient and effective in keeping our communities safe. With the policing landscape continually changing we welcome any opportunities to engage in the planning process to develop and enhance the county's policing provision.</p> <p>Essex Police contact details for new developments and infrastructure change</p> <ul style="list-style-type: none"> • Management of the Essex Police response to housing and infrastructure development: Strategic.Planning@essex.police.uk • Secured by Design and Designing out Crime matters relating to new development: designingoutcrime@essex.police.uk • Highways and strategic road network related matters: traffic.management@essex.police.uk . • Police estate related enquiries: estateservicescustomerliaison@essex.police.uk 	
Section 6.8 – Further Advice on	Essex County Fire and Rescue	Please find below updated text to replace that under the heading Essex County Fire and Rescue Service on page 80 of the Developers Guide:	All changes agreed.

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Key Issues - Emergency Services (Essex County Fire and Rescue)		<p>Planned future developments and infrastructure projects will require adequate access from the public highway for fire fighting vehicles and equipment throughout the life cycle of the development to include construction, delivery, and where relevant decommissioning. With all new developments ECFRS is keen to see that modernisation of infrastructure design is utilised to promote community engagement, health and wellbeing, and the reduction of risk through continual engagement with our Prevention and Protection teams.</p> <p>It is hoped that there would be opportunities to utilise land allocation in order to develop facilities to deliver health, wellbeing and prevention activities in collaboration with our partner agencies, as well as possible development and if necessary, expansion of the Fire Service estate to enable an effective and efficient response.</p> <p>Access to infrastructure, such as water supply and power, is necessary for domestic and commercial buildings. Consideration must be given to ensuring access to fire hydrants with adequate volume and pressure of water.</p>	
Section 4.2 – Land, Building and Contribution in kind - Site Suitability	Harlow DC	Regarding “As part of the design and layout of the development, consideration should also be given to the orientation and built form of the facility to optimise renewable energy generation and deliver energy efficient, affordable to run, and climate resilient buildings e.g., by designing for passive solar gain whilst also mitigating overheating risks – such as through shading and cross ventilation. Reference should be made to the key principles on Solar Design included in the Essex Design Guide . This	The wording here is guidance and indicates a reference to the Essex Design Guide. No change necessary.

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		<p>approach will help deliver our climate target for all new schools commissioned to be net zero carbon by 2022.”</p> <p>Does this document need this specific design guidance. Maybe just cross refer to EDG</p>	
Section 4.2 – Land, Building and Contribution in kind - Site Suitability	Harlow DC	<p>Regarding “• provide a safe environment around school entrances <u>with no vehicle access</u>”</p> <p>Parent access?</p>	The expectation is that parents will use pedestrian access. However, this bullet has been further amended to reflect emergency vehicle and disability access requirements.
Section 5 – Contributions Required by Service Area, Table 2	Harlow DC	<p>With reference to an amendment relating to Early Years and Childcare which sees the cost per pupil reduce from £30,127 to £21,559...</p> <p>Assume this was meant to be a reduced contribution?</p>	<p>Yes the reduction is correct and is reiterated within Section 5.1.5 – Contribution Costs.</p> <p>The DfE Scorecard was published in summer 2023, these costs have been used to further update the cost per place throughout.</p>
Section 5.4.2 Employment and Skills Plans - Employment and Skills Plan	Harlow DC	<p>Regarding “ECC would expect every 2,500 sqm of commercial development to be capable of generating at least one paid job placement lasting for a minimum of <i>forty</i>-six months .”</p> <p>4 years?</p>	This is a typo and should read ‘four to six months’.

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Section 5.4.4 – Employment and Skills Plans - Compliance	Harlow DC	Regarding the following text which is proposed for deletion: “Developers and land-owners who fail to agree to an ESP (but who haven’t agreed a payment in lieu) will be subject to a deemed target number of Essex resident jobs being imposed for the purposes of calculating the amount of a compliance payment. Further advice ‘Appendix L: Employment and Skills’ contains examples of contribution payments.” A comment of “New heading” has been provided.	The quoted text, which is proposed for deletion, marks the end of a section relating to compliance regarding the need for Employment and Skills Plans. The text is considered to be in an appropriate place if it wasn’t already proposed for deletion, and the next section (Highways and Transportation) already has an appropriate heading.
Section 5.6.3 – Sustainable Travel Planning - School Travel Plans	Harlow DC	With reference to a bulleted list of ‘further considerations’ for a School Travel Plan.... Could this be incorporated into a separate schools design guide, linked to this document	The elements are covered in an update to the Essex Design Guide. Reference has been made to this and a link to the Essex Design Guidance provided.
Section 5.2.9 – Schools – Special Education Needs	Maldon DC	How has the 1000 figure for SEND been calculated? What evidence is this based on? (page 40)	The updated figure has been calculated by the ECC SEND Service, it signifies the intention to recognise an appropriate contribution towards SEND services that reflects the increasing proportion of SEND children in the county. This figure is defensible and will be

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			reflected in a further detailed update of the Guide in 2024.
Section 5 - Contributions Required by Service Area, Table 2	Maldon DC	Table 2 page 24 paragraph 5.11 (flood management) – <i>Ensure provision of SuDS on major sites. Commuted sums for maintenance of SuDS as required.</i> - Although this hasn't changed from the existing document, a Member queried the wording 'as required', could you clarify what this wording refers to? Is it that the sum will be calculated as required based on the development?	The commuted sum will be calculated as required based on the development. An amendment has been made to clarify this.
Section 4.2 – Land, Building and Contributions in kind – Site Suitability	Rochford District Council	P19, a new line re energy efficiency in schools states: "This approach will help deliver our climate target for all new schools commissioned to be net zero carbon by 2022." Given the update is being made in 2023, this reads a little strangely – presumably ECC's target for schools should also be refreshed?	Agreed. The target was 2022 and now that has passed. The target remains and is being achieved. A change to this wording will remove 'by 2022' from the end of the sentence.
Section 4.2 – Land, Building and Contributions in kind – Site Suitability	Rochford District Council	An objective now reads: provide a safe environment around school entrances with no vehicle access . This needs to be caveated to make allowances for disabled pupils (who may arrive by minibus, taxi or private car), or otherwise set out how alternative access arrangements (e.g. to a rear/side entrance) would achieve this.	Access to a school is intended to be primarily pedestrianised although it is recognised that there will need to be vehicular access for emergency and exceptional vehicles such as those described. The following amendment is proposed: <ul style="list-style-type: none"> • <i>provide a safe environment around school entrances which is</i>

Section of Document	Organisation name	Comment	Suggested amended/added text
			<p><i>traffic free but retains suitable access for emergency and exceptional vehicle use, such as for facilitating disabled access, and</i></p> <ul style="list-style-type: none"> <i>• does not abut roads or parking’.</i>
Section 5.4.1 – Employment and Skills Plans – Service Overview	Rochford District Council	<p>This ESP will be produced through consultation between the developer and landowner and the LPA and ECC where relevant. Although we don’t presently require ESPs, this is something we may look to consider as a policy in the emerging Local Plan. In Districts such as Rochford which border a unitary authority, we have seen initiatives by developers in our District which involve FE/training providers from neighbouring Southend, which would be appropriate as Rochford does not have a FE college of its own and we do have local young people placed on sites through these schemes. We also have a Joint Area Action Plan shared with Southend to develop the areas around the Airport for employment uses. Could the wording reflect that it may be appropriate to also collaborate/consult with neighbouring LPAs? This may also be the case in other parts of Essex, e.g. Castle Point (bordering Southend) or areas bordering Thurrock, London, Suffolk or Herts.</p>	<p>The following amendment has been made</p> <p>“This ESP will be produced through consultation between the developer and, landowner, and the LPA and ECC where relevant. <u>It may also be appropriate to include neighbouring LPAs in the development of the ESP depending on the relationship between the development in question and the provision of relevant education and training opportunities within the locality.</u></p>

Section of Document	Organisation name	Comment	Suggested amended/added text
Section 5.4.2 Employment and Skills Plan – Employment and Skills Plan – Construction Phase	Rochford District Council	Reference to apprenticeships for those resident in Essex . Could this be Greater Essex? For the reasons outlined above, it would be unworkable if a scheme on the Rochford side of the boundary was barred from taking on apprentices living in Southend, and vice-versa. Points a-d are good and complementary to a successful schools programme RDC has run for an umber of years with employers.	Agreed.
Section 5.4.2 Employment and Skills Plan – Employment and Skills Plan – End-use Phase	Rochford District Council	End Use Phase (p46): the paid placement minimum period seems to have jumped from 6 months to 46 months (3.8 years)!! Assume this is a typo and was meant to be 4-6 months? Otherwise, please explain the rationale. Again, can this refer to Greater Essex residents.	Agreed, this is a typo and should read 4-6 months.
Section 5.6.4 Sustainable Travel Planning – Section 106 requirements	Rochford District Council	No reference to fees for workplace travel plans, even if this is case by case.	No change to be made. No fee for workplace travel plans is being considered at this time.
Section 5.8 – Public Rights of Way – Assessing the impact of development	Rochford District Council	Public Rights of Way: Insertion of 'White lining' is also not considered appropriate, re cycle tracks. Could a definition be provided? Assume this refers to merely dividing an existing footway with white paint, or does it mean a painted white line on the road? I would agree, but needs to be more explicit.	References to 'white lining' have been removed and therefore there is no longer a requirement to provide a definition.

