

Planning Service

Developer Contributions in Essex: How does it work?

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March 2022



Essex County Council



Essex Planning Services

County Planning

Growth and Development

Delivering Sustainable Development

Spatial Planning & Local Plans

Infrastructure Planning & Strategic Development





What Do We Do?

Infrastructure Planning

Ensuring development in Essex mitigates impacts on community infrastructure

Strategic Development

System Leadership: coordinating across Essex to establish better ways of working. Supporting new innovations and collaborations.





AGENDA



The importance of local plans in supporting infrastructure



The Process at ECC



Key guidance and policy



Collection and Monitoring



Spending contributions: The Capital Programme



Reporting: IFS

Local Plans

- Local Plans determine the location of new development in a local area
- Infrastructure Delivery Plans identify scope and cost of infrastructure
- Engage developers and Infrastructure providers (ECC)
- The cost of infrastructure needs of an area can be shared between developers. And priced into land cost.





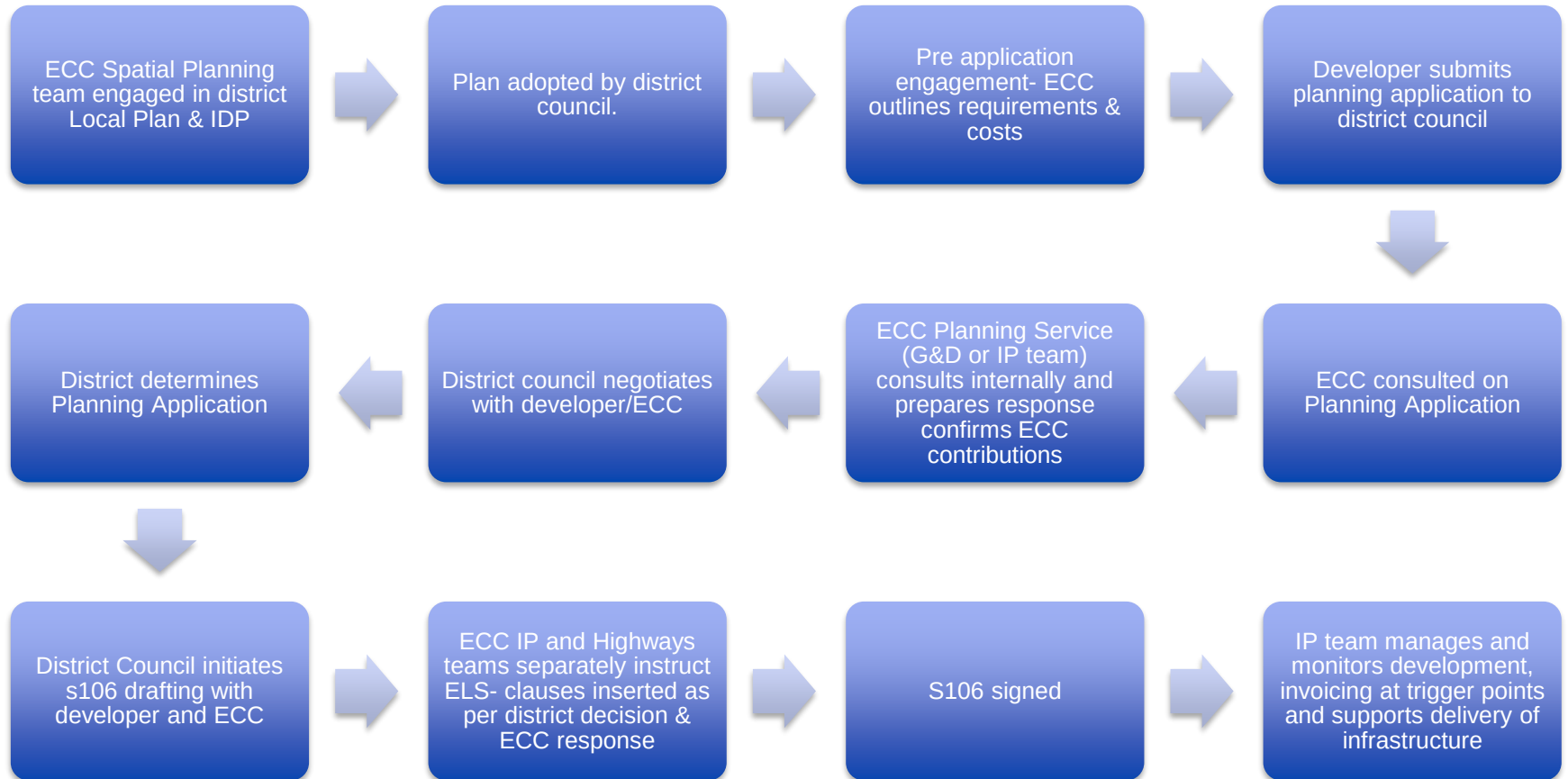
LEGAL FRAMEWORK

Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. They are focused on site specific mitigation of the impact of development. S106 agreements are often referred to as 'developer contributions' along with highway contributions and the Community Infrastructure Levy.

Tests dictate the use of s106 agreements. Obligations must be:

- 1. necessary to make the development acceptable in planning terms**
- 2. directly related to the development; and**
- 3. fairly and reasonably related in scale and kind to the development.**

How does the system work in Essex?





WHAT DO WE ASK FOR?



Developer contributions CAN ONLY BE REQUESTED to mitigate the impact of the development



Largest impact on ECC from new housing development is on the highway network and education capacity



Essex Developer Contributions Guide: very detailed guidance on contributions



Important that ECC services are geared up to spend and request contributions



**The Essex County Council
Developers' Guide to Infrastructure
Contributions**

Revised 2020



Developers' Guide

Objectives of the Guide.

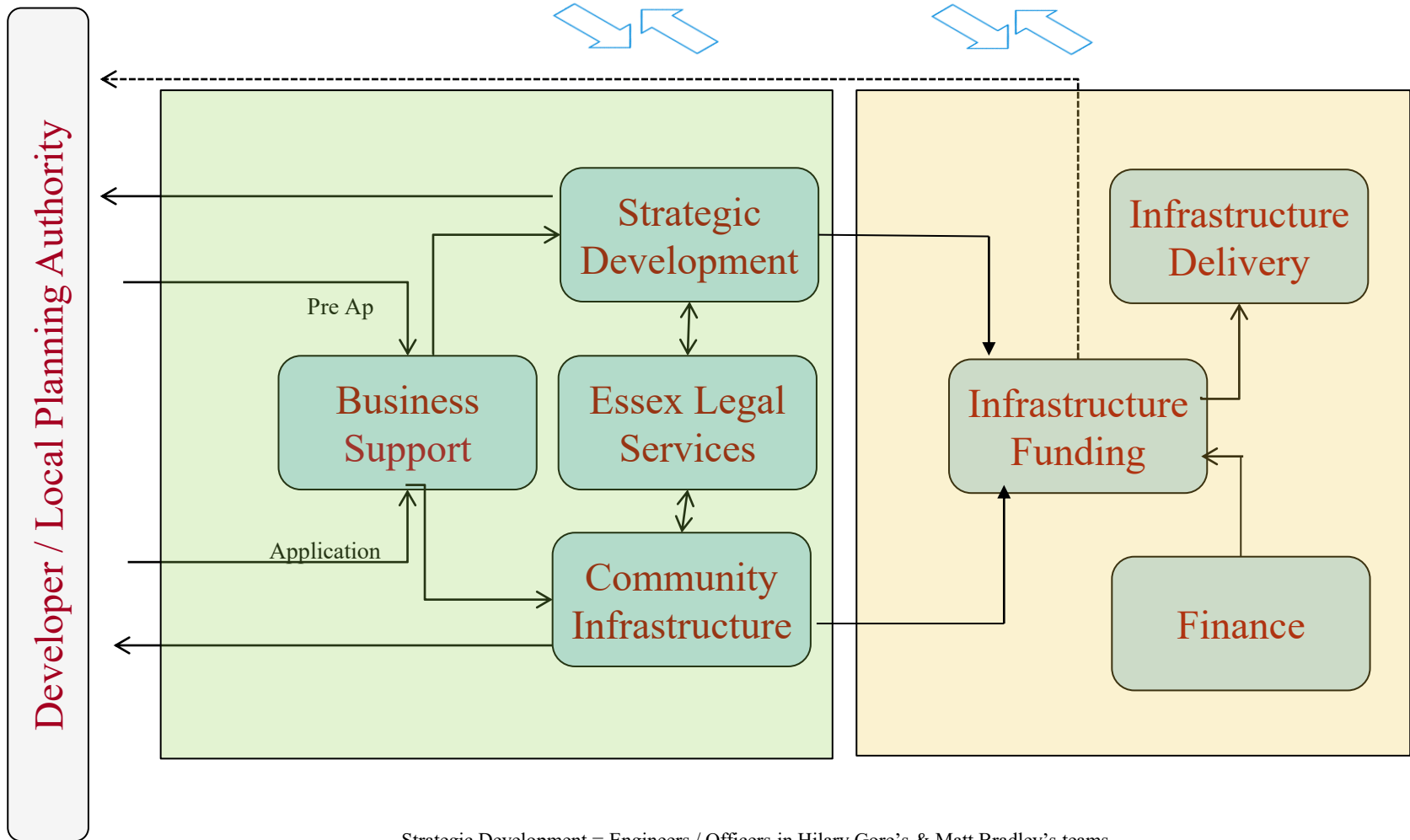
- This guide relates to infrastructure which is the responsibility of the County Council.
- It also draws attention to developers' need to engage with Health and the blue light services.
- References to the contributions ECC would expect developers to consider when negotiating with LPAs.

What do we request contributions for?

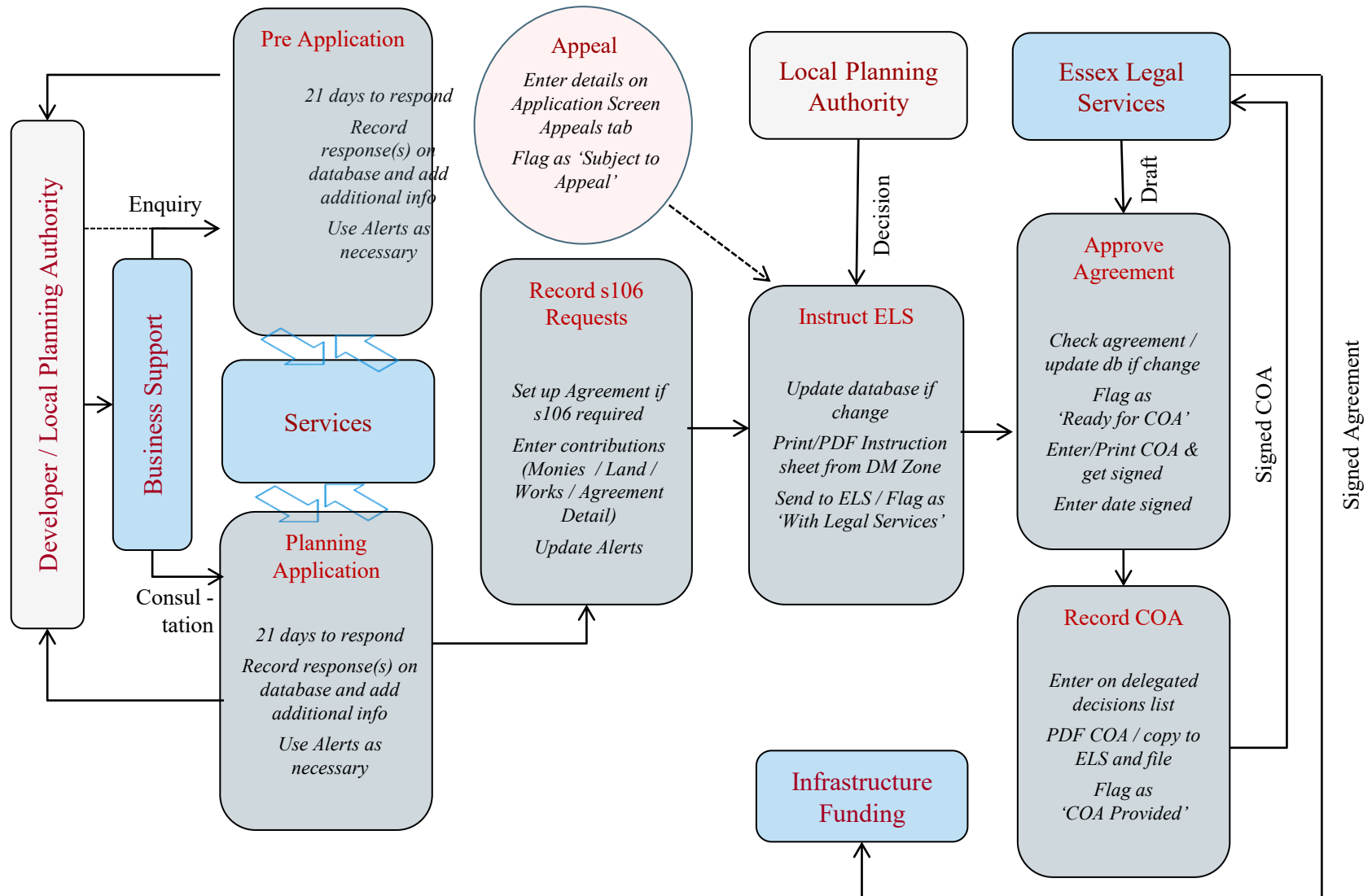
Service
Primary and Secondary Education
Early Years and Childcare
SEND
Post 16 education
School Transport
Employment and Skills
Highways and Transportation
Sustainable Travel
Passenger Transport
Public Rights of Way
Waste Management
Libraries
Flood and Water Management

Service Interaction Overview

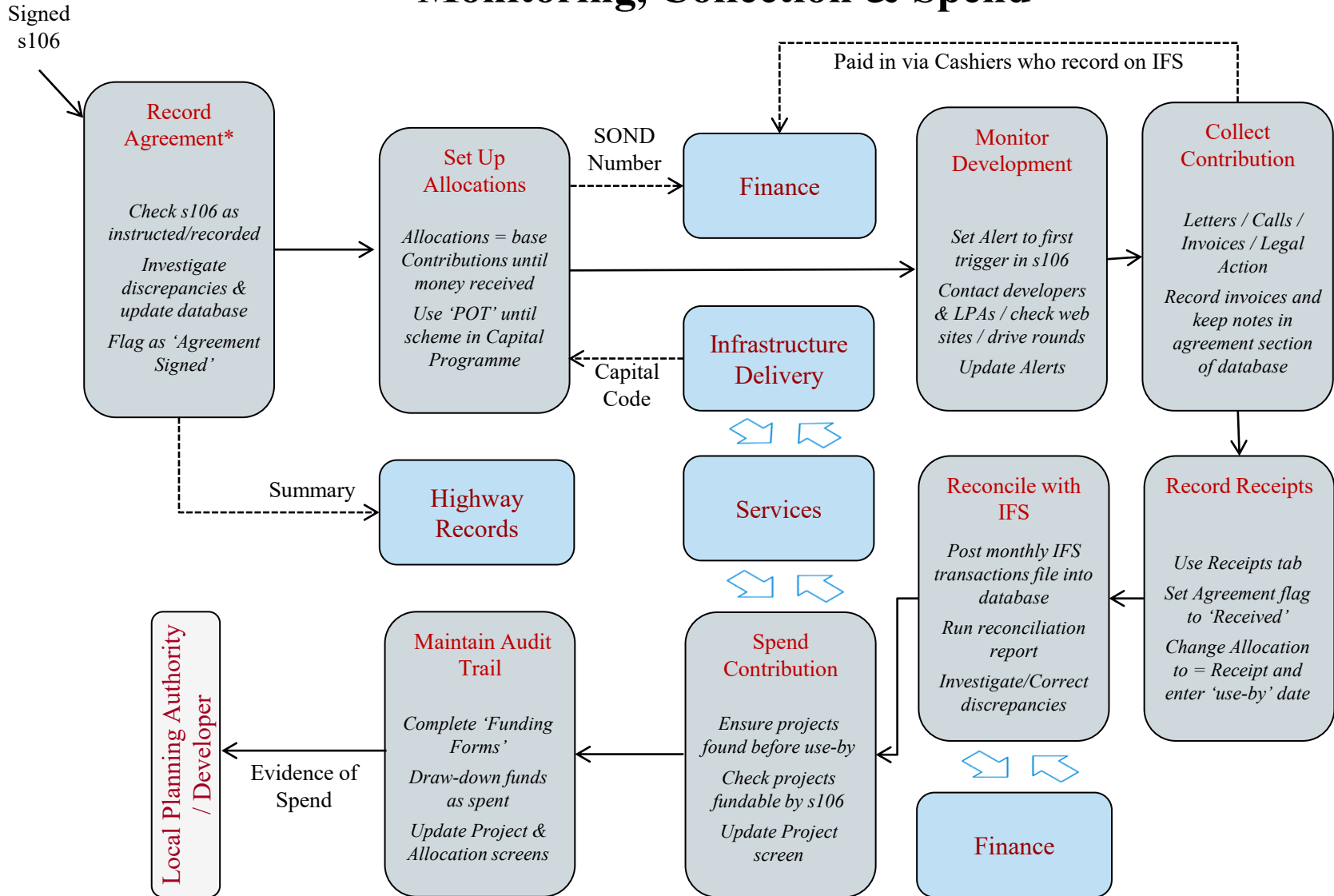
Commissioning Services e.g. Highways & Education



Consultation Response / s106 Completion Process



Monitoring, Collection & Spend



Key to securing contributions



Local Plans which articulate costed infrastructure needs



A dynamic database system- to record contributions and monitor spending



A full complement of well trained and capable staff resources



ECC services investing in evidence to support contribution requests



WHAT HAVE WE SECURED?

2019/20

- £34.14 million was **agreed** by the Council through S106 agreements
- £26.96 million was **received** in S106 receipts
- £19.3 million contributions was **spent** on infrastructure

2020/21

- £19.4 million was **agreed** by the Council through S106 agreements
- £21.4 million was **received** in S106 receipts
- £14.2 million contributions was **spent** on infrastructure

Innovations & System Leadership

- **Community Infrastructure Levy**
- Transformation funded support for districts to adopt CIL
- Aimed at increasing contributions to infra from smaller developments
- Maldon and Castle Point targeted initially. Expanded offers to Brentwood, Harlow and Tendring
- **Development Viability Service**
- Transformation funded expert resources to challenge developer viability assertions
- Service for districts, paid for by developers
- 1FTE in place, focusing on marketing and engaging with districts- no service uptake as yet.

Infrastructure Planning Manager view

- **Mantra:** 'Start with the spend in mind'
- **ECC Processes and systems are regularly reviewed**
 - A new database is being procured.
 - Training and cementing roles and responsibilities across services including finance
 - Performance and capacity of education vs highways
- **Getting ECC Services to the races:**
 - Evidence to support contribution requests
 - Comfortable with responding with their 'ask' regularly
 - Following up with delivery and spend of contributions
- **New National Infrastructure Levy?**
 - Be wary of changing too much/innovating/investing heavily ahead of Governments' new regulations