

Interim Planning Obligations Strategy 2015 – Statement of Consultation

Question 1 – Does the Interim Planning Obligations Strategy refer to all of the key planning obligations relevant to the Basildon Borough?

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
No mention in the document of the protection of Public Rights of Way / Public footpaths	1, 4,	This is not a matter for the POS.	This will be considered through the Local Plan process.
There has not been any increase in the capacity of health services to support the current Billericay population, therefore additional capacity is a second step that does not appear to have a realistic plan	2,	The purpose of the POS is to provide the Council with an up-to-date strategy to enable negotiations to take place with developers on contributions to facilities including health.	None.
The Strategy does not provide the vision to meet the aspirations of the people in the future	3,	This is not a matter for the POS.	This will be considered through the Local Plan process.
No mention of distance targets for basic amenities, e.g. shops, post office etc.	4,	This is not a matter for the POS.	This will be considered through the Local Plan process during Sustainability Appraisal.
Minimum standards for house size and garden size in square metres per person should be put in place	4,	These are already contained in the Council's Development Control Guidelines 1997 and will be updated through the Local Plan process. They are not a matter to be included in the POS.	This will be considered through the Local Plan process.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
There is already enough affordable housing within the Borough	5,	This is not a matter for the POS.	The Objectively Assessed Need for housing, including affordable housing units will be established through the Local Plan process.
There is a need for new jobs in diverse areas and for the Borough Council to have a business department linked with the planning department.	5,	This is not a matter for the POS.	None.
Welcomes the comprehensive review of aspects of new housing developments. However, the document needs to make agreements more watertight with firm timescales relating to the contribution to infrastructure associated with new developments.	8, 30,	Noted. The POS will give the Council an up-to-date strategy with which to negotiate with developers including timescales for delivery of the infrastructure.	None.
There are too many loopholes for potential developers to use to avoid paying contributions to infrastructure.	16,	Noted. The purpose of the POS is to provide the Council with an up-to-date strategy to enable negotiations to take place with developers on contributions to off-set the impact of development.	None.
The need for 16,000 new homes is too high and unsupported. Council is ignoring resident's views.	6, 20, 22, 26, 27, 32, 34, 35, 36, 37, 38, 39,	This is not a matter for the POS.	This will be considered through the Local Plan process.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
Natural England are impressed with the document and the high profile of green infrastructure within it but are not clear on whether or not the Borough has a Green Infrastructure Strategy to guide priorities in the area	19,	Noted. This is a matter for the wider Local Plan process.	None. There are already sufficient references in the POS's Section 11 to capture any required contributions towards maintenance / enhancement of Green Infrastructure. Green Infrastructure policy will be considered as part of the Local Plan process.
Concern that there isn't sufficient robust evidence to justify some of the planning obligations, particularly those listed in the draft PADCs, especially PADC5	33,	Noted.	Revisions have been made to Section 1 to clarify this issue and the relationship of the emerging Local Plan.
The Planning Obligations Strategy is unclear as to what will happen after the 6 th April until the CIL is adopted by the Council. Similarly the Council could identify the recent change in approach to schemes of up to 10 new homes (1,000sqm) and how this relates to planning obligations generally.	33, 42,	Noted.	Additional wording has been added at paragraphs 1.2.2 to 1.2.6 to clarify this issue.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
<p>Paragraphs 203-206 of the NPPF makes it clear that Planning Obligations should only be sought where it is not possible to address unacceptable impacts through a planning condition, and only, then, if they meet all of the specified tests. Although Section 2 of the DIPOS refers to the legislative and planning policy context for Planning Obligations, it is not apparent from reading the document how the Council would be compliant with this approach given that the content seems to be primarily focused on securing s.106 payments from developers for specific types of facilities in advance of the Local Plan being agreed. Therefore, until the Local Plan is adopted the Council will not be in a position to grant SPD status to the DIPOS document. This needs to be made explicit.</p>	<p>29,</p>	<p>Noted.</p>	<p>In relation to the preference for planning conditions – this is already dealt with in paragraph 3.3.3. The second point about not being able to adopt the document as a full SPD is dealt with in the re-drafted Section 1 of the document and specifically in paragraphs 1.1.5 – 1.1.7. The status of the document as an SPD is fully explained in paragraph 1.2.1.</p>

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
<p>National Planning Practice Guidance clarifies that Supplementary Planning Documents should build upon and provide more detailed advice or guidance on policies in the Local Plan. They should not therefore be used as substitute for preparing a Local Plan, or used to consider issues that would be more appropriately addressed through a Local Plan. Further, NPPG is clear that policies seeking planning obligations should be set out in a Local Plan or Neighbourhood Plan, to enable fair and open testing of the policy at examination.</p>	<p>42,</p>	<p>Noted</p>	<p>Revisions have been made to Section 1 to clarify this issue.</p>

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
<p>The CSRPO has limited weight in the determination of planning applications and relied on key evidence such as the SHMA (2013), which is now being reviewed</p>	<p>42,</p>	<p>Noted. The Council accepts that the Core Strategy Revised Preferred Options Report 2013 has limited weight in the planning process. However, given that the Council has carried out two public consultations on the Local Plan Core Strategy (Preferred Options and Revised Preferred Options) and as part of this assembled a considerable evidence base to prepare the Local Plan, which gives the Council additional information that it can use to determine applications and evidence on which, if relevant and still recent, could be considered when planning obligations are needed.</p>	<p>Revisions have been made to Section 1 to clarify this issue.</p>
<p>The Council's draft document is inconsistent in that it suggests that "triggers" for obligations are either absolutes, thresholds or assessed on a case by case basis. Given the varied nature of schemes it has to be the most positive, pragmatic and delivery focused to adopt a case by case approach to all matters</p>	<p>42,</p>	<p>Noted. The general approach of the POS is to take proposed developments on a case by case basis in considering the appropriate level of contributions to seek.</p>	<p>None.</p>

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
It would be helpful if the Council could fully address the role of the private sector in delivering, managing and maintaining community facilities, green infrastructure, etc. and how this would be appropriately captured in an obligations document.	42,	Noted. This requirement will be a matter for negotiation on a case by case basis and detailed in the legal document, as it is agreed that there is no point in seeking a contribution towards / or for total provision of infrastructure without agreeing how it will be run or managed.	None.
A number of objections to the thresholds contained within the document. Also concerned about the lack of justification or effective viability testing of required infrastructure mentioned in the Strategy. The Council should not seek to render sites unviable due to policy requirements	17,	The level of contributions set out in the POS is consistent with the approach taken by other local planning authorities. If viability of sites becomes an issue the developer can make the case that the scheme is unviable and have this tested by the Council.	None.
Essex County Council would like to draw attention to ECC's <i>Developers' Guide to Infrastructure Contributions</i> (2010) (the Guide), which is of relevance to the consultation and is available on the ECC website	43,	Noted.	Where appropriate the POS will be changed to reflect the ECC Guide, particularly in relation to Education. Highway Infrastructure requirements will also be based on ECC guidelines as ECC is the Highways Authority for the Basildon Borough.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
Essex County Council: The Strategy fails to mention Historic Environment	43,	Noted. Section 12 of the NPPF relates more to the determination of planning applications that impact on heritage assets.	None. This will be considered through the Local Plan process
Essex County Council: It is recommended that the planning obligations should integrate the listed building, conservation areas and archaeological sites of the Borough	43,	It is not necessary to include these points in the POS as they would be considered by policy at the time of a planning application.	None. This will be considered through the Local Plan process

Question 2 – Has the Council prioritised the right forms of infrastructure to support new development?

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
No policy in the document relating to the protection of Public Rights of Way	1, 4,	This is not a matter for the POS.	This will be considered through the Local Plan process.
The major transport links do not appear to be identified	2,	This is not a matter for the POS.	None. This will be considered through the Local Plan process.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
What is the long term plan for infrastructure development? It should include better shopping and evening economy	3,	Noted. The POS is an interim strategy pending the development of the Council's Local Plan and Community Infrastructure Levy which will set out the long term plan for infrastructure development. In the interim the POS will provide the Council with an approved strategy from which to negotiate with developers for current planning applications.	None. This will be considered through the Local Plan process.
The Council is fixated on 16,000 new homes by 2031. The Council priority objective should be 30,000 new residents with a decent home, community, and available resources with little or no negative impact to the quality of life of existing residents	4,	This is not a matter for the POS.	None. This will be considered through the Local Plan process.
Generally agree, however greater emphasis should be placed on the strain Basildon Hospital will encounter with any increase in the regions residential population	9,	Noted. The POS as drafted gives the Council the flexibility to seek contributions towards the healthcare, including hospital services in appropriate circumstances.	None. This will be considered through the Local Plan process.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
The Highways Study showed that the road network is operating at or near capacity. Any S106 deliberation should be updated with the increase in population, and all future developments should have to pay for future improvements.	15, 21, 38,	Noted. When planning applications are submitted advice is sought from the Highways Authority (Essex County Council) on the likely impact on the local highway network and whether a contribution is required to help mitigate the impact. Its advice takes account of other development proposals already approved or proposed in Local Plans.	None.

Question 3 – Do you agree with the Council’s approach to how the need for community facilities is identified, and the set criteria for when contributions should be made?

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
Local community facilities should be funded by the local community they serve, Borough wide facilities should be funded by the Council, e.g. Sport Centres / Parks etc.	3,	Noted. The purpose of the POS is to enable developers to make a contribution to community facilities within the local area. It would be unreasonable to expect local communities to fund extra provision when a development has increased the burden to it.	None.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
Should be more measurable objectives / thresholds.	4,	Noted. However, the level of existing community provision across the Borough is very varied and it would be difficult to set a common set of thresholds. The adoption of the Local Plan and Community Infrastructure Levy will enable the Council to be more prescriptive and set specific standards for some types of infrastructure provision.	None. This will be considered further through the Local Plan process.
Agree with the facilities identified but would like to see higher contributions from developers.	9,	Noted. The interim POS will be used to negotiate contributions but in the future the adoption of the Local Plan and Community Infrastructure Levy may enable the Council to secure higher contributions, if they can be justified, and/ or contributions from a wider range of development.	None.
Obligations only kick in when certain housing numbers are reached. It should be on a demand basis so that the cumulative impact of smaller developments is captured.	15, 21, 39,	Noted, however through the POS all new development proposals will be assessed in relation to the size of the development, the existing provision in the area and when it is reasonable for the obligations to commence on a case by case basis having considered development viability.	None.

Question 4 – Do you think there are any other forms of infrastructure provision not mentioned in the document which should be included?

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
Public Rights of Way	1,	Noted. Existing Rights of Way are statutorily protected and only in exceptional circumstances might they be diverted by development proposals. New development proposals may include new footpaths and the POS as drafted allows the Council to seek contributions to improving footpaths and ROW as appropriate.	None.
There are no plans for cycling gateways in the document	2,	Noted. Whilst not specifically mentioned the POS as drafted, the wording would allow the Council to seek contributions towards or provision of cycle gateways where appropriate.	None.
No plans for connections to air transport	2,	Noted. This is not really relevant to Basildon Borough, but where appropriate could be factored in under highway or public transport improvements.	None.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
High speed internet.	3,	Noted. This is the responsibility of the appropriate providers of these services and would not be appropriate to include in the POS.	None. This will be considered further through the Local Plan process.
Existing road network, especially residential, with most in a state of disrepair.	9,	Noted. Developer contributions cannot by law be used to fund the maintenance of existing roads or repair any existing deficiencies.	None.
The Rail Network should also be considered.	39,	Noted. There are different funding mechanisms for the rail network and train operators. It is not appropriate to consider for the POS, but could be explored as part of the Community Infrastructure Levy.	None.
There is nothing on zero carbon off-setting. Para 93 of the NPPF says planning plays a key role in helping shape places to secure reductions in greenhouse and low carbon energy and associated infrastructure.	45,	Noted. However, there is nothing in Paragraph 93 of the NPPF that needs to be referred to in the POS.	None. This will be considered further through the Local Plan process.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
Communications infrastructure is not mentioned. Para 42 of the NPPF says advanced, high quality communications infrastructure is essential for sustainable economic growth.	45,	Noted. The development of high speed broadband etc. is not something that the Council can justifiably include within the POS. Looking at the tests for imposing planning obligations, the lack of broadband facilities is not a reasonable reason to refuse an application for development, so it cannot then be expected to be mitigated as part of an obligation.	This will be considered further through the Local Plan process.
Should include Combined Heat and Power carbon capture energy systems as required by para 97 of the NPPF	45,	Paragraph 97 of the NPPF is applicable to the Development Management and Planning Policy functions more generally and does not relate specifically to planning obligations.	This will be considered further through the Local Plan process.
Air pollution	4, 44,	Noted. However, this is not relevant to the POS.	This will be considered further through the Local Plan process.

Question 5 – Any other comments

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
General			
The document is complex and written in a technical language not readily understood by a layman.	6, 22,	Noted. The document will be used by industry professionals and needs to be robust enough to stand up to scrutiny at planning appeals, public enquiries etc. Planning Officers are available to explain the purpose and content of the POS should anyone need to seek advice.	None
Communication between Basildon Planners and local communities over plans and expectations has been sadly lacking	34,	Noted, but this is not about the POS.	This will be looked at further when the Statement of Community Involvement is updated in 2015.
Generally agree with the strategy	22,	Noted	None
Housing			

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
The need for 16,000 new homes is too high and unsupported. Council is ignoring resident's views	6, 20, 22, 26, 27, 32, 34, 35, 36, 37, 38, 39,	This is a comment that is more relevant to the preparation of the Local Plan.	None. This will be considered further through the Local Plan process.
Planning is supposed to encompass everything needed to make a town function well, all the Council is doing is allowing houses to be built	27, 38,	This is a comment that is more relevant to the preparation of the Local Plan. The purpose of the POS is to enable the Council to have an approved strategy in place to enable negotiations to take place on the appropriate level of contributions to mitigate the impact of a development.	This will be considered further through the Local Plan process.
Which of the spatial options were voted for and how are we doing on reaching the numbers for that? How many houses have been built already?	27, 38,	This is a comment that is more relevant to the preparation of the Local Plan.	This will be considered further through the Local Plan process.
16,000 homes will only attract immigration, many from the Greater London area. Basildon should be planning only for the growth required by local residents	22,	This is a comment that is more relevant to the preparation of the Local Plan.	This will be considered further through the Local Plan process.
How will the addition of 2,800 homes in Wickford improve the small town?	40,	This is a comment that is more relevant to the preparation of the Local Plan.	This will be considered further through the Local Plan process.
Affordable Housing			

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
<p>Negotiating a reduced amount of Affordable Housing contributions based on the viability of a site, or otherwise, should not be allowed</p>	<p>15, 21,</p>	<p>Noted, but there are some circumstances supported by national planning policy, particularly some brownfield sites where construction or remediation costs are much higher which may give the justification to reduce the affordable housing contributions or other contributions. There are also developments which are necessary to kick-start the regeneration of an area which may not be viable if the full affordable housing requirement had to be provided. This will be decided by the Council through the POS on a case by case basis.</p>	<p>None</p>

<p>Interpret para 2.3.2 to mean that developments might be desirable despite the fact that they adversely affect residents due to pressure on infrastructure. Is this correct?</p>	<p>34, 36,</p>	<p>Para 2.3.2 states that “developers may be asked to provide contributions for infrastructure in several ways. This may be by way of the Community Infrastructure Levy and planning obligations in the form of section 106 agreements and section 278 highway agreements. Developers will also have to comply with any conditions attached to their planning permission. Local Authorities should ensure that the combined total impact of such requests does not threaten the viability of the sites and scale of development identified in the development plan”.</p> <p>This means that the Council is required to provide evidence that any land allocated for development within the Local Plan is viable, and can therefore satisfactorily contribute to the infrastructure needs of future growth if brought forward through the Development Plan. If an application is then submitted to the Council for consideration, it cannot then impose heavy planning obligations in the form of S106 and S278 agreements that subsequently threatens the viability or scale of development on the site. However, if the level of infrastructure provision being asked for by the Council is needed to make the development acceptable in planning terms (taking consideration of impact on the amenity of existing residents) and is not met by the developer, the planning application could still be refused.</p>	<p>None.</p>
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Summary of Comments	Comment ID	Response	Recommended Changes or Actions
Section 4.4.8 states that the Housing Growth Topic Paper identified a need for 290-320 affordable homes to be delivered per year. This is inaccurate as it comes from section 7.19 of the HGTP which in turn quotes its primary source – a draft of the TGSE SHMA. When released the SHMA identified a need for only 215 homes per year. The Council argues that the high need for >800 houses pa are necessary to if 300 affordable per annum were to be delivered.	36,	Noted, however this is not a matter to be established through the POS.	This will be considered further through the Local Plan process.
Clause should be added to the affordable housing section to include increased numbers on development sites at a later date and if the Council considers a site has been artificially sub divided then the entire site will be subject to the threshold	21,	Noted, however this is not a matter to be established through the POS.	This will be considered further through the Local Plan process and the formulation of an Affordable Housing policy.
Is the target of 36% Affordable achievable?	22,	Viability testing undertaken by the Council shows that 36% is viable on most development locations. Planning applications are normally accompanied by a scheme viability assessment and they can challenge the Council if they feel delivering to	None.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
		this level would make the scheme unviable.	
Office to dwelling conversions where planning permission is not required should still include affordable housing and S106 contributions	15,	Noted, but this is out of the Council's control and part of national Permitted Development rights which permit the conversion without planning permission.	None.
The 'deferred contribution scheme' is wrong in principle as the market can go down as well as up. It seems that the Council is saying if the market goes up we can ask for more, but if it goes down, the contribution remains the same.	22,	The 'deferred contribution' principle is now well established in other authorities and historically there have only been limited examples of the housing market going down and when it has, it normally recovers. Paragraph 50 of the NPPF establishes that Council's should take necessary steps to maximise the affordable housing contribution including the use of policies that are <i>"sufficiently flexible to take account of changing market conditions over time"</i> .	None.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
There does not seem to be much consideration of the need for policy guidance so that development is not unnecessarily constrained by burdensome policy requirements should market conditions change, as per the NPPF	29, 44	Noted.	This will be considered further through the Local Plan process.
Reduced levels of affordable housing may have been required by a developer in earlier phases to ensure that the scheme maintained an efficient cash flow. Higher returns during later phases of large strategic development are often required to offset the heavy capital outgoings in the initial phases where significant enabling infrastructure may be required, as well as purchase of the land.	29, 33,	Noted.	Revisions have been made to paragraph 4.4.12 to clarify this issue.
we strongly argue that this should not occur after the completion of a housing development, but instead at an agreed point during the development	29,	Noted.	Revisions have been made to paragraph 4.4.11 to show an agreed point during the development.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
Seemingly this strategy seeks to introduce and set new affordable housing policy requirements and thresholds via SPD. This approach is contrary to both the NPPF and NPPG and should be deleted	29,	Noted.	This point is clarified in the re-drafted Section 1 of the document and specifically in paragraphs 1.1.5 – 1.1.7. The status of the document as an SPD is fully explained in paragraph 1.2.1.
Objects to the reduction in the number of dwellings that would constitute the need for a contribution and the rise in the percentage of affordable required as part of the contribution. NPPG and Town & Country Planning Regulations 2012 are clear that SPDs cannot introduce such changes to policy	42,	Viability testing undertaken by the Council shows that 36% (or even 40%) is viable on most development locations. Planning applications are normally accompanied by a scheme viability assessment and they can challenge the Council if they feel delivering to this level would make the scheme unviable.	The status of the document as an SPD is fully explained in paragraph 1.2.1.
Green Belt			
It is difficult to see how building on the Green Belt can be good for the environment	26, 32, 35, 37, 38,	Noted, this is not a matter however for the POS.	This will be considered further through the Local Plan process.
Basildon Borough Council are suggesting that the Green Belt restrictions have been lifted when they have not	6, 20,	Noted, this is not a matter however for the POS.	This will be considered further through the Local Plan process.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
<p>What evidence are the “evidence based” studies based on, especially the use of green belt land?</p>	<p>6,</p>	<p>Noted, this is not a matter however for the POS.</p>	<p>This will be considered further through the Local Plan process.</p>

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
The Call for Sites process and the Green Belt Study carried out by Basildon planners is a 'back door' attempt to allow development to take place in the Green Belt	34,	Noted, this is not a matter however for the POS.	This will be considered further through the Local Plan process.
Landscaping			
The Basildon Natural History Society (BNHS) would like to see a much more explicit commitment to the use of native tree and plant species, thereby helping to sustain the dependent communities of invertebrates and, in turn, those higher animals and birds that prey on them	46,	Noted.	Additional sentence added to paragraph 10.4.1 to reflect this.
The BNHS strongly recommends a more widespread commitment to adopt conservation areas, green corridors, bodies of water	46,	Noted, this is not a matter however for the POS.	This will be considered further through the Local Plan process.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
Opportunities to maintain and enhance biodiversity must not be overlooked. Thus: all trees and shrubs planted must be of a native species; while some neat grass verges may be appropriate, wildflower areas should be included whenever possible, small ponds should also be incorporated; sympathetic long-term management must also be a requirement.	24,	Noted. Native species of plant are dealt with as part of the Strategy. The remaining comments are not relevant to include within the POS.	None.
Infrastructure			
Infrastructure is over capacity, particularly roads, schools and health provision.	26, 27, 28, 32, 35, 37, 38, 40, 41,	Noted, this is not a matter however for the POS.	This will be considered further through the Local Plan process.
Infrastructure cannot cope with future growth	26, 31, 40,	Noted, this is not a matter however for the POS.	This will be considered further through the Local Plan process.
Infrastructure needs improving prior to new developments	22, 39,	Noted, this is not a matter however for the POS.	This will be considered further through the Local Plan process.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
Suggest a separate section to provide the level of detail and certainty around infrastructure requirements of the PADCs.	33,	This would not be appropriate, as stated in 1.2.6 the PADCs are not adopted policy. They are a set of development scenarios for which a body of evidence of infrastructure deficit exists. This will inform negotiations if applications come forward in advance of adoption of the Local Plan. However, the purpose of the POS is not to advocate or advance development of the PADCs, but to enable the Council to effectively negotiate planning obligations.	None.
Financial Contributions			
The Council has allowed developers planning permission without enforcing education S106 requests by ECC.	15, 21,	The Council works with ECC on determining the level of education requests, and monitors whether the contributions collected have been used by ECC.	None
It is not clear what the CIL is likely to cost a developer in Basildon? What will Basildon's CIL criteria be based on? Would some of the obligations no longer be subject to S106?	22,	The Council does not yet have a CIL in place and until that is produced in accordance with the Local Development Scheme timetable it is not possible to estimate the likely level of the CIL requirement. It is likely that the POS will have to be reviewed once CIL is adopted to	None.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
		ensure double charging does not take place.	
Suggestion of a land tax / windfall charge when seller gets development land prices for non development land	22,	This is not a matter for the POS and would require a change in legislation.	None
Education			
Consider that the draft SPD does not go far enough in terms of providing guidance on how trigger payments for education would be applied to large scale developments	33,	Noted.	The POS has been amended to refer to the ECC Developers Guide as the basis for determining the level of obligation.
Suggest two/three form entry primary school more likely than 8 form entry	33,	Noted.	The POS has been amended to refer to the ECC Developers Guide as the basis for determining the level of obligation.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
<p>Whilst the ambitions of the Council, in regard to the use of local labour, apprenticeships and training schemes, are to be applauded these cannot be matters which are included in planning obligations documents</p>	<p>42,</p>	<p>The Council already includes this requirement in a number of legal agreements and there is no reason to not to continue to seek this commitment to training / apprenticeships as it is working effectively.</p>	<p>None.</p>
<p>Essex County Council: The thresholds appear to be too high, i.e. a minimum of 100 dwellings at primary level and 1,000 dwellings at secondary school level. Using these thresholds could result in ECC being unable to effectively address the cumulative impact that a number of smaller housing developments might have on schools in a particular area</p>	<p>43,</p>	<p>Noted.</p>	<p>The POS has been amended to refer to the ECC Developers Guide as the basis for determining the level of obligation.</p>
<p>Given that up to five “Section 106 contributions” can be used for a particular project, which might be the provision of an additional classbase at a school, it would be appropriate and consistent to refer to and use the thresholds within the ECC Developers’ Guide to Infrastructure Contributions for seeking education contributions until the adoption of CIL.</p>	<p>43,</p>	<p>Noted.</p>	<p>The POS has been amended to refer to the ECC Developers Guide as the basis for determining the level of obligation.</p>

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
Health			
Wickford has been promised a new health centre for almost 10 years.	26, 27, 32, 35, 37, 38,	Noted. The POS will strengthen the Council's ability to negotiate contributions towards health infrastructure. These will be negotiated in conjunction with advice from NHS England and the Clinical Commissioning Group.	None.
Consideration also needs to be given to developments close to Council borders, for example, development at Runwell Hospital.	31, 39,	Noted. Where developments are taking place close to the Council's boundaries, the Council can request contributions be made to facilities within its area from the neighbouring authority to alleviate any potential impacts on the residents of the Borough. However, in these circumstances the Council is not the Local Planning Authority and its requests are not guaranteed to be agreed.	None.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
<p>It should be noted that Clause 8.3.1 A says “supporting”, it does not say building a new GP Surgery for an existing practice.</p>	<p>21,</p>	<p>Noted. The full sentence reads “Supporting the provision of new and improved facilities for community-based health care where such improvements are needed”.</p> <p>This allows for the potential to extend an existing practice, or build an entirely new one, dependent on what improvements are needed to serve a particular development. However, it is not the Strategy that will build the new facility. The strategy only supports the provision of additional or extended facilities by identifying when a need is likely to occur and the level of contributions that will be expected from the developer. How the new or improved facility is physically delivered will need to be determined as part of the S106 legal agreement.</p>	<p>None</p>

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
The section on Health Services refers to draft Core Policy 17 and the need to undertake a Health Impact Assessment (HIA) for all schemes that require an Environmental Impact Assessment (EIA). It cannot be the case that all schemes that have an EIA need a HIA.	42,	Noted.	A paragraph has been added to say that there may be some circumstances where an HIA is not required.
Transport			
Development should be made to pay a levy for future highway improvements.	26, 32, 35, 37, 38,	When the Council adopts its Local Plan and Community Infrastructure Levy it will be able to set an appropriate levy to pay for the required infrastructure. Until then the POS will be in place to contribute towards infrastructure.	None.
Concern regarding the level of growth and the impact on the A127.	22,	Noted, this is not a matter however for the POS.	This will be considered further through the Local Plan process.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
All data used for modelling should be up to date, using data that is several years old does not take into account recent developments.	39,	When considering the highway requirements of new development proposals the Council will work with the County Council as Highway Authority to determine the level of required provision. This will use the most recent data available.	None
Highways England: The closest part of the Strategic Road Network in relation to Basildon's demographic boundary is the M25 at junction 29 as there is no direct link road from the centre of the district to the A12 (all road are indirect and pass through other urban areas). The Council has identified a need for 16,000 additional homes and 8,600 jobs between 2011 and 2031 within its boundary. Whilst the cumulative effect of the new homes and jobs will be noticeable on the operation of the Strategic Road Network (M25 J29 & A12) individual developments contributing to this overall number are unlikely to have a noticeable effect.	12,	Noted, this is not a matter however for the POS.	This will be considered further through the Local Plan process.
Open Space			

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
Open space is being built on at Gloucester Park etc. Challenge where any more new open space for the Basildon New Town area could be created.	22,	In accordance with the Council's Open Space Assessment developers can be asked to provide improvements to existing facilities, as well as providing open space within the new scheme itself.	None.
How can Basildon Council enforce the maintenance of open space ' <i>in perpetuity</i> ' The fact that Basildon Council will not agree to the transfer of new open spaces into their ownership is unrealistic in the longer term.	22,	The maintenance of open space 'in perpetuity' can be enforced by the Council, through legal processes as the developer will have signed an agreement which is legally binding. Many councils do not seek to retain open space assets secured by development given financial burdens of maintaining them and instead seek maintenance from a management company or land trust.	None.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
<p>Historic England: Green Infrastructure provision can include archaeological sites historic parks and gardens & open spaces within conservation areas.</p>	<p>23,</p>	<p>Noted. As the features mentioned in the HE comment do not really exist in Basildon Borough, there is no real need to mention them specifically in the POS; they would in any case be addressed through planning policy and the determination of planning applications. There is also enough leverage within the section as written to secure improvements to such areas as they would fall within the various open space typologies referred to in the section.</p>	<p>Some additional wording has been added to 12.1.2 in relation to Conservation Areas.</p>
<p>Sport England: Need to mention how sports provision & play areas will be secured & have objected to lack of specific standards for playing pitches, i.e. 1.5ha per 1000 population & standards for indoor provision. Then goes on to state that off-site contributions are preferable for the majority of developments under 500 dwellings, as it would be unreasonable to expect provision of a new indoor facility for anything less.</p>	<p>14,</p>	<p>There is already a reference in the Quantity Standard of the Council's Open Space Assessment 2010 to provision of <i>"an appropriate level of outdoor sports provision"</i>.</p>	<p>Extra paragraph has been added at 12.4.1 to deal with this point. However, it is not necessary to duplicate all Sport England's standards within the POS.</p>
<p>Community Facilities</p>			

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
5.5.1 – Why is this requirement limited to single large sites and not to smaller groups of sites?	36,	Noted. The POS as drafted requires all developments of 500+ to provide new indoor provision. It could also be the case that a number of smaller schemes could each contribute towards new provision if there was a need in the local area. However, owing to the pooling restrictions of planning obligations resulting from the CIL regulations, this would be limited to a maximum of 5 schemes contributing to provide the facility.	The POS has been amended to clarify this comment.
The Council appears to suggest that these should be “managed” by the voluntary or community sector and that a nominated partner or organisation will be required to be identified in a S106 Agreement as its future operator/manager of such facilities. Both provisions could inflict considerable delay to the delivery of a development scheme and as such flexibility is required in regard to the delivery of community facilities.	42,	This requirement will be a matter for negotiation on a case by case basis.	None.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
Does not include sufficient detail on how a community facility need is identified.	33,	The draft Planning Obligations Strategy sets out at paragraphs 5.4.1 & 5.4.2 how the need will be identified. This is similar to the wording in Colchester's adopted POS. As the Council does not have a list of 'community facility deficits' in the Borough, there will be a need to review each application on a case by case basis until the new Local Plan is adopted.	None

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
<p>The Council have identified that any large scale development of 500+ new units will be required to provide indoor space. However, within the proposed SPD it appears that this is required on all sites; whether it is deemed that there is a suitable facility nearby which can serve the development or not. Concerns with effective viability testing of this requirement.</p>	<p>17, 44,</p>	<p>Core Policy 18 refers at (e) to “<i>requiring all new developments for community facilities to contribute towards providing new facilities where there is a need..., or enhance existing facilities</i>”. This implies that there will be a negotiation on the need for a contribution depending on the size of development and the level of provision that already exists.</p> <p>The 500+ units referenced in the POS goes further than this to state that on developments of that size there will definitely be a need for indoor provision, unless there nearby existing facilities that could serve the community.</p>	<p>None.</p>
<p>Flooding</p>			
<p>For Clarity in 7.5.2 and 7.5.3 reference to the local drainage company should be changed to the statutory wastewater undertaker if you are in fact referring to Anglian Water.</p>	<p>11,</p>	<p>Noted.</p>	<p>This has been changed in the POS.</p>

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
7.3.1 severely underestimates the potential scale of flooding in Billerica.	36,	7.3.1 of the POS refers to the risk of flooding in the Billerica area and makes reference to the Strategic Flood Risk Assessment (SFRA) and Surface Water Management Plan (SWMP) which is the primary source of information regarding flood risk in the Borough. The SFRA and SWMP would be used as evidence when negotiating contributions to alleviate flood risk.	None
In regard to Flood Protection, Water Management, Highways the Council's draft document seeks to introduce a layer of bureaucracy that it is unnecessary as the matters referred to are appropriately addressed by other legislation.	42,	The requirements set out in the POS are fully consistent with the NPPF if the Council is to be the most effective when securing contributions.	None
Essex County Council: Surface Water Management: Should be subject to contributions being sought in Critical Drainage Areas (CDAs).	43,	Noted. Critical Drainage Areas are referred to in paragraph 7.3.5.	Some additional wording has been provided in the Strategy to explain this in more detail.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
ECC seeks further clarification to ensure requirements are clear. It is recommended that more specificity as to whether the Borough will include flooding infrastructure as part of the Regulation 123 schedule.	43,	Noted. This is a matter for the CIL project, but this does not need to be mentioned in the POS.	None
ECC recommends that the POS is amended to include reference to paragraphs in the NPPF, in particular section 10.	43,	NPPF Section 10 is already mentioned in 7.2.1 and there is no need for more detailed reference to specific paragraphs as they mostly deal with the determination of applications, and applying sequential tests, and steering development away from high risk areas, which is a planning policy matter.	None
Natural Environment			
BNHS: Explicit reference to the Lawton report 2010, and to its adoption by central government ought to be made.	46,	The Lawton Report was published in 2010 and the Government responded with a White Paper but it has not passed into formal legislation.	All relevant legislation is now added at 11.3.4 of the POS.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
Specific mention is needed of the Borough's Local Wildlife Sites (LoWS).	46,	The LoWS are an important biodiversity resource in the Borough but whilst not specifically mentioned, they are captured by the references in 11.3.1 that refers to Core Policy 9, particularly in C " <i>protecting and enhancing sites of national and local importance</i> ".	None.
Essex Wildlife Trust (EWT): All local authorities have additional specific planning obligations under the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2010.	18,	Noted.	A list of relevant legislation has been added to paragraph 11.3.4.
EWT: To fulfil relevant statutory and policy obligations, Basildon Borough Council should ensure that, where biodiversity could be affected, proper adherence to the mitigation hierarchy is ensured, as per the requirements of paragraph 118 of the NPPF.	18,	This comment relates to the Council's approach to determining planning applications and is not relevant to the POS.	None.
EWT: Where planning conditions are appropriate, these should be used in preference to planning obligations.	18,	This point is made in paragraph 3.3.3	None.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
EWT: Any adverse impact to designated sites should only occur as a last resort.	18,	This comment relates to Development Management and the Council’s approach to determining planning application and is not relevant to the POS.	None.
The onus should be on the developer to provide evidence that any proposed off-site mitigation through translocation has a proven record of success in comparable situations, and there should be a fund allocation to ensure that the translocation sites are properly managed for as long as is necessary.	18,	This is not a POS matter but a Development Management matter. The concept of off-site mitigation to offset the impact of a development is well established and it is the purpose of the planning application process to determine that proposals are acceptable.	None.
Should be clear to developers that the Council will be looking at planning obligations / contributions that not just mitigate but provide offset beyond the immediate footprint of specific plan.	25,	This comment relates to Development Management and the Council’s approach to determining planning application and is not relevant to the POS.	None.
All requirements should consider the need to maintain and enhance the “Green Corridors” shown on the map produced by Countryside Services and wherever possible should seek to remedy the “Weaknesses” in the network identified on that map.	24,	Noted. Whilst not specifically mentioned by names, “Green Corridors” would be captured by the general references in 11.3.1 – 11.3.4.	None.

Summary of Comments	Comment ID	Response	Recommended Changes or Actions
Enforcement			
How are the various requirements detailed in this document to be monitored and policed?	36,	The requirements are monitored by the Planning Service in conjunction with the Council's Finance team.	An extra sentence has been added at 14.4.1 to cover this point.
The draft document should include provision for the enforcement of all planning conditions.	20,	This is not a matter to include in the POS, but is more of a matter for the Council's Regulation Services Enforcement Policy.	None.
Other			
Dry Street development should not have been allowed as it was unable to satisfactorily mitigate the damage to the environment .	22,	This is not a matter for the POS.	None.
The Marine Management Organisation (MMO) has reviewed the document and had no specific comments to make.	13,	Noted.	None.
A number of comments were received relating to grammatical errors and typos, wording changes and minor amendments.	11, 12, 18, 23, 24, 25, 29, 33, 42, 43, 44, 45,	Noted.	These have been corrected throughout the document.