

Uttlesford CIL Developer Contributions

Supplementary Planning Document

Appendix 3

September 2025



Contents

1.0 Introduction	2
2.0 Legal and policy background	4
3.0 Governance – roles, responsibilities and procedures	8
4.0 Developer contributions - UDC	13
5.0 Developer contributions – other organisations	20
Appendix A – Monitoring charges schedule	23
Appendix B – Calculation of affordable housing commuted payments	24
Appendix C – ECC contributions required by service area	26



1.0 Introduction

1.1 Purpose of this supplementary planning document

- 1.1.1 This Developer Contributions Supplementary Planning Document (SPD) sets out how Uttlesford District Council (UDC) will seek planning obligations from developers where financial or other contributions are required to make development acceptable in planning terms (but cannot be achieved through conditions on any planning permission). It replaces the previous SPD of March 2023.
- 1.1.2 This SPD is based upon policies contained in the Uttlesford Local Plan (ULP 2021-2041). It has been prepared alongside UDC's Community Infrastructure Levy (CIL) Charging Schedule across the administrative area. UDC adopted its Community Infrastructure Levy (CIL) Charging Schedule on XX XXXX XXXX with an effective date of XX XXXX XXXX. This SPD should be



- 1.1.3 Essex County Council's (ECC) Developer Contributions SPD sets out county-wide infrastructure items to which developers are also expected to contribute. This SPD cross refers to this and subsequent updates but the county-wide developer contributions are not repeated here. This document therefore sets out developer contributions specific to the Uttlesford area only which relate to items that are not chargeable via CIL.

- 1.1.4 This SPD is for use by developers, UDC and other statutory bodies operating in the district and for which infrastructure provision is a key component of their involvement. It will aid the consistent application of planning policies in the ULP. A key aim is to assist developers in the making of planning applications, particularly during pre-application negotiations, and to minimise delay and uncertainty. It will ensure new development will appropriately contribute towards improvements to existing or additional facilities to support growth and increased infrastructure demands.

1.2 Council priorities

- 1.2.1 UDC's Corporate Plan 2023-2027 (UDCCP) states its overall Vision: "making Uttlesford the best place to live, work and play". It sets out the key priorities, the

¹ [Community Infrastructure Levy \(draft\)](#)



principles that inform its actions and decision-making and how this will be delivered.

1.2.2 The Corporate Plan emphasises the importance of putting residents' needs and welfare as the first and highest priority. Under the key ambition to be the active place-maker for the district's towns and villages, the council pledges to secure greater benefits for the community from new development, and to mitigate adverse impact on essential infrastructure. The Corporate Plan states that this will be delivered in four ways:

- Implement CIL along with Section 106 (S.106) to deliver strategic community projects and greater local benefit from development;
- Increase the transparency of the S.106 agreement process and councillor engagement in it, including with parish and town councils;
- Ensure that strong planning enforcement holds developers to account; and
- Require developers to be considerate of the communities in which they build.





2.0 Legal and Policy Background

2.1 Statute

- 2.1.1 Planning obligations are legal obligations that are entered into to mitigate the impacts of a development proposal. Section 106(1) of the Town and Country Planning Act 1990 (as amended) (TCPA) allows planning obligations to be entered that:
- Restrict development or use of land in any specified way;
 - Require specified operations or activities to be carried out in, on under or over the land;
 - Require the land to be used in any specified way; or
 - requiring a sum or sums to be paid to the authority...on a specified date or dates or periodically.
- 2.1.2 Sections 106A and 106B of the TCPA set out the circumstances in which planning obligations can be modified or discharged, including the mechanisms for an appeal.
- 2.1.3 Under Regulation 122(2) of the CIL Regulations 2010 (as amended), planning obligations can only be sought if the obligation is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

- 2.1.4 Planning obligations can be in the form of an agreement (commonly referred to as a Section 106 (s106) agreement) by a person or organisation with an interest in the land and a local planning authority, or a Unilateral Undertaking (UU) solely by a person or organisation with an interest in the land. Planning obligations run with the land, are registered as a local land charge and are legally binding and enforceable through the courts. A UU is not binding against a local planning authority as it is not party to it.

2.2 National policy context

- 2.2.1 Paragraphs 55 to 58 of the National Planning Policy Framework (NPPF) 2024 sets out the Government's policies on planning obligations. Paragraph 56 of the NPPF advises that planning authorities should consider the use of planning obligations where they could make an otherwise unacceptable development acceptable. They should only be used where it is not possible to address unacceptable impacts through planning conditions. The tests referred to in paragraph 2.1.3 are reiterated in paragraph 58 of the NPPF.



- 2.2.2 Online guidance on planning obligations is available in the Planning Practice Guidance (PPG) via GOV.UK Planning Obligations².

2.3 Local policy context

- 2.3.1 The development plan for UDC consists of:

- Uttlesford Local Plan (ULP 2021-2041)
- Essex Minerals Local Plan (July 2014)
- Essex and Southend-On-Sea Waste Local Plan (July 2017)
- The following 'made' Neighbourhood Plans:
 - Ashdon Neighbourhood Plan
 - Felsted Neighbourhood Plan
 - Great and Little Chesterford Neighbourhood Plan



- Great Dunmow Neighbourhood Plan
- Newport and Quendon & Rickling Neighbourhood Plan
- Saffron Walden Neighbourhood Plan
- Stebbing Neighbourhood Plan
- Thaxted Neighbourhood Plan

Uttlesford Local Plan (ULP 2021-2041)

- 2.3.2 Development proposals should be considered in line with the adopted ULP. Proposals which require planning obligations should be considered in accordance with the relevant policies.

- 2.3.3 The following ULP policies set out the rationale and justification for requiring planning obligations:

2.3.4

² <https://www.gov.uk/guidance/planning-obligations>



Policy	Description
Core Policy 9	Green and Blue Infrastructure in the North Uttlesford Area
Core Policy 13	Delivery of Transport Schemes within the South Uttlesford Area
Core Policy 15	Green and Blue Infrastructure in the South Uttlesford Area
Core Policy 38	Sites Designated for Biodiversity or Geology
Core Policy 39	Green and Blue Infrastructure
Core Policy 40	Biodiversity and Nature Recovery
Core Policy 56	Affordable Dwellings
Development Policy 9	Public Art
Core Policy 58	Custom and Self-Build Housing
Core Policy 61	The Historic Environment
Core Policy 67	Open Space, Sport and Recreation
Core Policy 67a	Management of Public Open Space



- 2.3.5 Site specific policies across Uttlesford (Core Policy 6, 6a, 10, 10a and 16) set out the amount and type of development provided within each site allocation, as well as what specific supporting infrastructure and other requirements are needed for each site.

2.4 Uttlesford Infrastructure Delivery Plan

- 2.4.1 The Uttlesford Infrastructure Delivery Plan (IDP) has been undertaken to provide the council with the understanding of infrastructure deficit in the context of planned growth and inform the ULP 2021-2041. Appendix C of the IDP provides a schedule of required infrastructure to deliver Uttlesford's growth over the Plan period. Information on the type of infrastructure, location, project importance, indicative costs and indicative phasing is provided.
- 2.4.2 The IDP by its very nature is a 'snapshot in time' as the information provided by infrastructure providers will naturally date and alter over time, reflecting changing needs. Therefore, the IDP should be viewed as a 'live document' and information should be treated as indicative rather than prescriptive. The council will keep

the IDP under review and update it where information becomes available.

- 2.4.3 Applicants should refer to the latest version of the IDP³. Although the IDP does not form part of the development plan, its latest version will be a material consideration when determining planning application against Core Policy 5: Providing Supporting Infrastructure and Services.

³ <https://www.uttlesford.gov.uk/media/13304/Uttlesford-Infrastructure-Delivery-Plan-for-Regulation-19-Consultation/pdf/>

[Uttlesford Infrastructure Delivery Plan for Regulation 19 Consultation.pdf](#)



3.0 Governance – roles, responsibilities and procedures

3.1 How will the council secure contributions

3.1.1 The council will employ the following methods to secure contributions:

S.106 agreements

3.1.2 S.106 agreements are legal agreements between a planning authority and a developer that ensure that certain extra works related to a development are undertaken. They are a legal charge on the land, so their obligations transfer automatically with any change in ownership. Further information on how S.106 agreements are prepared in the context of a planning application is set out in section 3.2 onwards.

UU

3.1.3 A UU is a legal deed where applicants covenant to perform planning obligations, however unlike S.106 agreements they don't have to be entered into by the

Local Authority. A UU comes into effect when planning permission to which they are linked is granted.

3.1.4 A UU can be used in the following scenarios

- The UU can only be entered into by the owner of the land to be developed.
- Where the land is owned by more than one person, each landowner must enter the agreement.
- If there is a mortgage on the property, the Mortgagee will also be required to sign the Unilateral Undertaking.

3.1.5 UUs are not usually appropriate for major development which will be addressed by a S.106 agreement instead. UUs are used by the council for collecting the Essex Coast RAMS Tariff. A UU template is available on the council's website⁴.

S.278 and S.38 agreements

3.1.6 A S.278 agreement is part of the Highways Act 1980⁵ that allows developers to enter into a legal agreement with the Highway Authority (Essex County Council (ECC)) to make permanent alterations or improvements to a public highway, as part of a planning approval. Works included as part of S.278 works are new or changed points of access into or in close proximity to a development site. A S.38 agreement is part of the same Highways Act 1980⁶ that allows

⁴ https://www.uttlesford.gov.uk/media/10720/Essex-Coast-RAMS-Unilateral-Undertaking-template/doc/RAMS_UU_Template_February_2021.docx

⁵ <https://www.legislation.gov.uk/ukpga/1980/66/section/278>

⁶ <https://www.legislation.gov.uk/ukpga/1980/66/section/38>



developers to construct a highway then offer it to ECC as Highway Authority for adoption.

- 3.1.7 Applicants / developers are required to pay for S.278 and S.38 agreements and are encouraged to liaise with ECC as Highway Authority at the earliest opportunity to understand likely costs of such works⁷.

Community Infrastructure Levy

- 3.1.8 The CIL is a locally set charge (referred to as a levy) on new development. The levy is based on the size and type of development and once set is mandatory to pay and non-negotiable. The funds raised will be distributed by the District Council (also referred to as the Charging Authority) to provide infrastructure which is required to support new development within the local area. This infrastructure could include roads, transport facilities, flood defences, education facilities, medical facilities, sporting and recreation facilities, and open spaces. The council will outline how CIL funds are proposed to be used within the Infrastructure Funding Statement, which will be published by the council on an annual basis.

- 3.1.9 The CIL provides an additional mechanism to obtain financial contributions towards new and improved infrastructure. In comparison to Section 106 agreements, the CIL provides a simpler and more transparent process to collect funds.

- 3.1.10 Most buildings that people normally use are liable to pay the levy, whether the proposal is for a new building or an extension which results in 100 sqm or more of net increase in gross internal floor space. Development which is less than 100 sqm but which involves the creation of an additional dwelling will also be liable. The conversion of a building that has not been in use for some time will also be liable for the levy.

- 3.1.11 The following types of development are not required to pay the levy:

- development of less than 100 square metres, unless this consists of one or more dwelling and does not meet the Governments self-build criteria (see regulation 42 for further details);
- buildings into which people do not normally go;
- buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery; and
- structures which are not buildings, such as pylons and wind turbines.

- 3.1.12 Further information on the Uttlesford District CIL is available on the council's website⁸.

3.2 Pre-application

- 3.2.1 Applicants are encouraged to begin pre-application discussions with the council and with relevant parish or town councils, as soon as possible. UDC offers a paid

⁷ development.management@essexhighways.org

⁸ [Community Infrastructure Levy \(draft\)](#)



pre-application advice service, details of which are available on its website⁹. Pre-application discussions offer the opportunity for UDC to clarify planning policies and material considerations which will be relevant to determining a planning application, including the type and level of developer contributions.

3.2.2 As part of the pre-application advice system, UDC strongly urges the use of Planning Performance Agreements (PPAs). These are voluntary agreements between the local planning authority and applicant, aimed at delivering high quality, sustainable development that is based on a clear vision and set of development objectives, with the LPA setting out certain performance standards such as number of meetings and timescales. UDC currently offers different PPA band categories based on the size of the proposed development, for example, the number of homes proposed. Each includes meetings with Officers (and appointed specialists, if necessary); engagement with the town or parish council and a presentation to members.

3.2.3 A PPA will cover various matters associated with development proposals, including S.106 agreement negotiations, but not legal and monitoring fees. It is a useful mechanism for considering what the S.106 Agreement needs to include (or the UU should offer if the developer chooses that route) and will consider the CIL regulations tests. Entering a PPA does not, of

course, guarantee the outcome of a planning application, but it does guarantee the availability of resources via an agreed project plan and work programme. A similar service is offered by ECC to cover matters such as highways and education.

3.2.4 If an applicant does not wish to enter a PPA, paid pre-application discussions with the council can still take place. These would not include presentation to members, appointment of specialists, or multiple meetings.

3.3 Planning application submission

3.3.1 Once a planning application has been submitted to the council and validated, a case officer will be appointed. The case officer will work with the developer, the parish or town council and any others to identify what obligations need to be included in the S.106 agreement. Initially, the obligations will be expressed as Heads of Terms, which are the issues on which contributions are based and around which the details of the obligations are negotiated by the interested parties. If instead a developer chooses to submit a UU, a complete, signed copy is required so it can be considered prior to determining the planning application.

3.4 Planning application determination

3.4.1 Major Planning Applications (as defined by the Town and Country Planning (Development Management

⁹ <https://www.uttlesford.gov.uk/planning-pre-application-advice>



Procedures) (England) Order 2015) will be approved by Planning Committee.

- 3.4.2 Heads of Terms and their justification in accordance with the CIL regulations tests will be clearly set out in the committee report written by the case officer. The report will set out a timescale for completion of the S.106 agreement. If a UU has been submitted, it will similarly be assessed against the CIL regulations tests in the committee report.
- 3.4.3 An obligation, whether set out in an S.106 agreement or a UU, can only be a material planning consideration if it meets the CIL regulations tests. It is not the role of the case officer to decide between what a developer is willing to provide and what a local community might want. The case officer's job is to identify what mitigation is necessary, conforming to the provisions of the CIL regulations.
- 3.4.4 When a planning application has been resolved to be granted subject to a S.106 agreement, the council will send formal instructions to its solicitor with all relevant information to be provided by the developer.
- 3.4.5 The council provides a S.106 agreement template on its website. The council advises developers to use the

standard wording to avoid delay in the negotiation process and to help the developer to submit a draft S.106 agreement with the planning application.

3.5 Charges for monitoring of obligations

- 3.5.1 The council has a schedule of monitoring charges, which is set out in Appendix A. The charges are graded according to the number of homes that are to be built. In relation to strategic sites (greater than 100 homes) and mixed-use sites, a bespoke monitoring charge will be negotiated.

3.6 Timing and triggers for action or payment

- 3.6.1 The S.106 agreement or UU will set out the relevant timings for completing obligations using development-related trigger points rather than fixed dates. On larger developments, the phasing of payments (such as for the provision of school places) may be acceptable where this is compatible with infrastructure delivery.
- 3.6.2 Any request from a developer for later or lower payment or later on-site delivery, needs to be supported by evidence at the planning application stage. Similar justifications will be required from the council if it considers earlier or higher payment or earlier on-site delivery is necessary.



3.7 Monitoring

- 3.7.1 The council's Monitoring Officer is responsible for logging all obligations and associated trigger points on the council's S.106 database which will be publicly accessible on a read-only basis. The Monitoring Officer will act on all trigger points to ensure that obligations are met, checking that all payments are made in a timely manner, are forwarded to the appropriate third party where required and are spent in accordance with the CIL regulations. The monitoring officer will also check that the transfer of land and/or buildings to third parties takes place on time and any agreed contributions paid, such as for future maintenance. A summary of money held and spent is available in the council's Infrastructure Funding Statement
- 3.7.2 As the principal signatory to the S.106 agreement, the council is responsible for the collection and spending of the money and, ultimately, the delivery of projects identified in the S.106 agreement. This remains the case if delivery is by a third party such as a town or parish council, for instance, for the building or refurbishment of a village hall. Other signatories to S.106 agreements can be included where they are beneficiaries, including but not limited to Essex County Council, the Environment Agency, Natural England, Historic England, National Highways, and Mid and South Essex Integrated Care Board (ICB). A full list of

statutory consultees on applications for planning permission is set out in the Planning Practice Guidance (PPG)¹⁰.

- 3.7.3 Most S.106 agreements include a "pay back" clause, so that if the money is not spent within a set period, it must be paid back to the developer with interest. Prior to releasing any initial money to a third party, the council will require evidence of impending project delivery, and itemised invoices for phases of work subsequently undertaken.

3.8 Index-linking of payments

- 3.8.1 Unless otherwise agreed, all payments will be index-linked using the Retail Prices Index. Indexation will be calculated from the date of the s106 agreement to the date of payment.

3.9 Payment of the council's legal fees

- 3.9.1 The applicant will pay the council's legal fees which are as per the solicitors' guideline hourly rates set out on GOV.UK¹¹.

¹⁰ <https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees-on-applications>

¹¹ <https://www.gov.uk/guidance/solicitors-guideline-hourly-rates>



4.0 Developer contributions - UDC

4.1 Introduction

- 4.1.1 Core Policy 5: Providing Supporting Infrastructure and Services confirms that all new development will be required to provide the necessary on site and, where appropriate, off-site infrastructure to mitigate any impacts arising from the proposal. Development proposals will be required to demonstrate that infrastructure can be delivered in a timely manner.
- 4.1.2 The ULP defines infrastructure as **essential**, which is infrastructure that is required to allow development to be brought forward in a timely and sustainable manner, and **other** infrastructure which is important to meet the overall cumulative need of development but is not seen as likely to prevent an individual development coming forward in the short-term.
- 4.1.3 This section sets out the range of contributions that might be considered in negotiations on planning applications that require a s106 obligation. The obligations are not meant as an exhaustive list but as a guide to assist negotiations with the council.

4.2 Affordable housing

- 4.2.1 Annex 2 of the NPPF defines affordable housing as:

“Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following:

- Social rent
- Other affordable housing for rent
- Discounted market sales housing
- Other affordable routes to home ownership”

- 4.2.2 UDC’s local housing needs assessment (2024) confirms the district has an affordability ratio of 12:18 and the council is committed to taking all opportunities to deliver high quality affordable housing. Core Policy 56 of the UDC Local Plan requires major residential development (defined as 10 or more homes or a site area of greater than 0.5 hectares or more) to provide 35% of the total dwellings as affordable. Of this 35% provision, 30% should be available as affordable home ownership (including First Home) and the remaining 70% should be available as affordable / social rented. The exact tenure split on each site will be a matter for negotiation, taking account of up-to-date need assessments and the characteristics of the area. To support the re-use of brownfield land, where vacant buildings are being re-used or redeveloped, any affordable housing contribution would be proportionately reduced.

- 4.2.3 Where development in the Green Belt is brought forward, affordable housing provision should comply



with the 'Golden Rules' requirements, set out in paragraphs 67-68 and 156-157 of the NPPF.

- 4.2.4 The affordable housing tenures proposed should accord with the definitions set out in the NPPF and the Affordable Homes Update Written Ministerial Statement (WMS) published on 24 May 2021. However, the 25% minimum rate of delivery for First Homes, as set out in the WMS, no longer applies, but general delivery for First Homes can continue where localised need has been identified.
- 4.2.5 Affordable dwellings should be appropriately distributed throughout a new development, in groups not larger than ten units. Where a site is subdivided, the council will expect each sub-division to contribute proportionally towards achieving the number of affordable dwellings which would have been applicable on the whole site
- 4.2.6 Affordable dwellings should be delivered on-site. However, in exceptional circumstances, off-site provision or a financial contribution in lieu may be accepted where alternative sites are more appropriate to provide affordable dwellings than the site of the proposed development.
- 4.2.7 The council recommends using one of the Altair set of methodologies for calculating commuted payments. These methodologies, samples of which are set out in Appendix B, establish the commuted payment as the uplift that a developer would obtain by selling the affordable homes on the open market in comparison to

selling them to a registered provider as affordable homes. Whichever methodology is used it should be agreed with the council during pre-application discussions.

- 4.2.8 Where issues of viability progress through to the submission of a planning application, the developer will be required to submit a viability assessment. The council will seek an independent audit of that assessment as part of the consideration of the planning application.
- 4.2.9 A S.106 agreement should secure the necessary restrictions on the use and subsequent resale of the property, i.e. to avoid losing affordable housing to the general housing market. Local authorities and neighbourhood planning groups do have the discretion to a higher minimum discount of either 40% or 50% if they can demonstrate a need for this. Through the Neighbourhood plan-making process they can also set an evidenced lower price cap.

4.3 Self-build & custom build housing

- 4.3.1 In accordance with Core Policy 58 of the ULP proposals for 100 or more dwellings will provide serviced plots to deliver at least 5% of the total number of dwellings on the site as self-build or custom build homes, provided that the Uttlesford self and custom build register is recording a demand for self and/or custom build homes at the point which the application is being determined. Self-build and custom plots should be secured via S.106



agreement and comply with the criteria set out in parts viii – xi of Core Policy 58.

- 4.3.2 If plots remain unsold after a thorough and proportionate marketing exercise which includes making details available to people on the custom and self-build register in Uttlesford, and covers a period of at least 12 months from the date at which the plots are made available (with the 12 month time frame not commencing until thorough and appropriate marketing is in place), these plots may be built out as conventional market housing subject to detailed permission being first secured.

4.4 Biodiversity

- 4.4.1 All proposals for Green and Blue Infrastructure should align with the relevant requirements of the Local Plan policies CP9, CP15, CP39 and CP40 and the council's Green and Blue Infrastructure Strategy¹². In addition, the Essex Local Nature Recovery Scheme (LNRS), published in July 2025, identifies a range of locations to create or improve habitat most likely to provide the greatest benefit for nature and the wider environment. The measures to achieve this are broken down into the following habitat priorities:

- Trees and woodland
- Grasslands and meadows

- Scrub and mosaic
- Hedgerows
- Farmland
- Urban
- Freshwater and wetlands
- Coastal and marine
- Geology and soils

- 4.4.2 The habitat priority areas are mapped across Essex to confirm where measures to encourage nature recovery should be focussed. Developers are encouraged to proactively engage with the LNRS process and liaise with UDC and ECC to understand what measures can be incorporated into development proposals via meeting BNG targets.

- 4.4.3 Under Core Policy CP40, development proposals that do not meet the BNG exemption requirements should demonstrate a minimum of 20%, calculated using the most recent Statutory Metric.

¹² [https://www.uttlesford.gov.uk/media/13359/Uttlesford-Green-and-Blue-Infrastructure-Strategy/pdf/Uttlesford Green and Blue Infrastructure Strategy FINAL.pdf](https://www.uttlesford.gov.uk/media/13359/Uttlesford-Green-and-Blue-Infrastructure-Strategy/pdf/Uttlesford%20Green%20and%20Blue%20Infrastructure%20Strategy%20FINAL.pdf)



4.5 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)

- 4.5.1 The council has adopted the Essex Coast RAMS Supplementary Planning Document, prepared in May 2020 with an anticipated update available in 2026 . It focuses on the mitigation that is necessary to protect the wildlife and their habitats on the Essex coast from the increased visitor pressure associated with new residential development in combination with other plans and projects.
- 4.5.2 Although Uttlesford is not coastal, research has shown that some of its residents are likely to travel to the coast for recreational purposes and these residents live within the Zone of Influence (Zol). All development within the Zol where there is a net increase in homes is required to make a contribution to the Essex Coast RAMS. In Uttlesford, parts of the parishes of Barnston, Felsted, High Easter and Stebbing are in the Zol.
- 4.5.3 The Essex Coast RAMS identifies a detailed programme of strategic mitigation measures that are to be funded by developer contributions from residential development schemes. It applies without exemption to all full applications, outline applications, hybrid applications, prior approvals and permitted development

which is required to comply with the Habitats Regulations. Applications for outline planning permission should state a maximum number of homes.

- 4.5.4 Applications where the Essex Coast RAMS applies will be refused if a RAMS mitigation payment has not been secured via a planning obligation.

4.6 Hatfield Forest Strategic Access Management Measures (SAMM)

- 4.6.1 Hatfield Forest is both a Site of Special Scientific Interest (SSSI) and a National Nature Reserve. Natural England and the National Trust have developed a Mitigation Strategy¹³ outlining a package of on-site Strategic Access Management Measures (SAMM) to protect and restore the condition of Hatfield Forest. The Mitigation Strategy sets out a range of costed measures which relate to four key areas:
- Access management and infrastructure
 - Ride and path mitigation
 - Human resources
 - Monitoring
- 4.6.2 The Mitigation Strategy identifies the Zol which covers a significant proportion of Uttlesford. All development within the Zol where there is a net increase in homes is

¹³ <https://cdn-eastherts.onwebcurl.com/s3fs-public/2025-05/Hatfield%20Forest%20Mitigation%20Strategy%20V6%20Final%20February%202025.pdf>



required to make a contribution to the Hatfield Forest SAMM to mitigate the recreational impact. The current tariff is available in the council's website.

- 4.6.3 Applications where the Hatfield Forest SAMMS applies will be refused if a mitigation payment has not been secured via a planning obligation. In addition, for development within the Zol developers are required to provide open space to criteria set out by Natural England. This SANG, Suitable Alternative Natural Greenspace is in addition to open space requirements as part of the development and is designed to provide an alternative source of outdoor space to Hatfield Forest and is therefore part of the remediation measures. The SANG will be required by section 106 and in accordance with local plan policy CP15.



4.7 Green infrastructure and open space, sport and recreation

- 4.7.1 Major development is expected to prioritise the role of Green and Blue Infrastructure in responding to climate

4.7.2

change, managing flood risk, protecting and enhancing heritage assets, supporting sustainable transport options, supporting biodiversity and the natural environment, and ensuring open space for sports and recreation is secured for the community.

4.7.3

Core Policy 39 sets out the criteria which major development will need to address, and the precise amount of provision will be negotiated on a site-by-site basis. Provision of Green and Blue Infrastructure should include stewardship arrangements for not less than 30 years to cover maintenance, management and funding arrangements, the latter could include an endowment sum should be provided for the maintenance of the GBI and/or a revenue contribution depending in the nature of the proposed GBI element.

4.7.4

Contributions towards local and strategic green infrastructure projects, as set out in Table 5.1 of the Green and Blue Infrastructure Strategy¹⁴ will be sought where they are related to the development or where they mitigate the impacts of new development. The precise contribution will be negotiated on a site-by-site basis.

A number of strategic projects have been identified through the Local Plan process which, once costed programmes have been agreed, developers will be

¹⁴ https://www.uttlesford.gov.uk/media/13359/Uttlesford-Green-and-Blue-Infrastructure-Strategy/pdf/Uttlesford_Green_and_Blue_Infrastructure_Strategy_FINAL.pdf



required to make an appropriate contribution to its implementation. These strategic projects include:

- Country Park at Saffron Walden (Core Policy 9 i)
- The Flitch Way (Core Policy 13 iv)
- Country parkland at Church End, Great Dunmow (Core Policy 15)

4.7.5 For open space, sport and recreation provision, major residential developments will be required to maximise opportunities to incorporate new open space and / or to enhance existing provision commensurate to the need generated by proposals. Where proposals cannot provide for open space on-site, the creation and/or improvement of off-site facilities in the locality is appropriate with a financial contribution in lieu.

4.7.6 For the ongoing management of public open space, and in accordance with Core Policy 67a, the council's preferred hierarchy of management bodies for public open space is for the areas to be transferred over to the relevant parish or town council, then Uttlesford District Council, then finally management by the developer or a private management company. Where the transfer of land to either the town/parish council or UDC is agreed, the requirement of a commuted payment, equal to 30 years management from the developer, will apply.

4.8 Outdoor, indoor and built sports facilities

4.8.1 In determining the nature of new or improved sports and recreation provision the council will be guided by the most up to date evidence, including the latest UDC Open Space; Indoor and Built Facilities; and Playing Pitch and Outdoor Sports Strategy and Sport England's Playing Pitch and Built Facilities Calculators.

4.8.2 Core Policy 67 requires new development to meet the minimum standards set out in Appendix 17 of the ULP and provided on site wherever possible. As per paragraph 4.7.4, where proposals cannot provide outdoor, indoor, or built sports facilities on-site, and it is considered that the creation and/or improvement of off-site facilities in the locality is appropriate, a financial contribution in lieu may be accepted. In this scenario, the contribution would relate to the demand generated from proposed development, using the Sport England's Playing Pitch and Built Facilities Calculators as a starting point.



4.9 Heritage and landscape/townscape

4.9.1

In order to ensure the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats and in accordance with Paragraph 203 of the NPPF. Core Policies 61 reflects the requirements of the NPPF to protect heritage assets within Uttlesford.



4.9.2

Assets include areas and buildings with statutory designated protection (e.g. listed buildings, scheduled monuments, registered parks and gardens) but also those which are locally valued and important, as well as the landscape and townscape components of the historic environment.

4.9.3

Contributions may be sought to mitigate any direct impact of development on heritage assets, otherwise impacts on setting are expected to be managed via detailed design and or planning conditions.

4.10 Public art

4.10.1

In accordance with Development Policy 9 all major developments will be expected to contribute to a public art fund to be used to deliver public art projects located

on or off site with clear benefit for the local community. The contributions will be negotiated on a site by site basis. For strategic sites provision of public art should be on site and details including its location and design should be identified.



5.0 Developer contributions – other organisations

5.1.1 The council operates within a two-tier local government system, although this will be altered under the Local Government Reorganisation planned to take effect in 2028. ECC are the highway and transportation authority, and appropriate lead authority for education, minerals and waste planning authority (MWPA), lead

local flood authority (LLFA), the provision of libraries and adult social care. Planning obligations for infrastructure provided for or by ECC must be sought in accordance with the up-to-date ECC’s Developer’s’ Guide to Infrastructure Contributions¹⁵.

5.1.2 Table 1 sets out the kind of obligations from other organisations that may be required to support development proposals. As per the UDC list, the obligations below are not meant as an exhaustive list and other obligations and contributions may be sought from these and other organisations depending on the size, type and location of proposed development.

Organisation	Topic	Source/further information
Essex County Council	Early years and childcare.	www.essex.gov.uk
	Schools.	
	School transport and sustainable travel.	
	Employment and Skills Plans.	
	Highways and transportation.	

¹⁵ <https://www.essex.gov.uk/sites/default/files/2024-07/Developers%20Guide%202024.pdf>



Organisation	Topic	Source/further information
	Sustainable Travel Planning.	
	Passenger Transport.	
	Public Rights of Way.	
	Waste Management.	
	Libraries	
	Flood and Water Management and Sustainable Drainage Systems (SuDS)	
	Monitoring Costs	
	Adult Social Care	
	Employment Sites	
Essex Climate Action Commission (Essex Local Nature Partnership)	Nature and environmental enhancement	https://www.essexclimate.org.uk/essex-local-nature-partnership
NHS England	Health care services	hweicbenh.planning@nhs.net
Essex Police	Policing infrastructure	Strategic.Planning@essex.police.uk



Organisation	Topic	Source/further information
Essex County Fire and Rescue	Firefighting infrastructure	NorthWestGroupSDP@essex-fire.gov.uk
East of England Ambulance Service Trust (EEAST)	Ambulance service infrastructure	

Appendix A – monitoring charges schedule

- The council will seek a charge to fulfil its role to monitor all the required clauses for S.106 obligations. This charge does not include any charges sought by partner organisations such as Essex County Council.

Basis of Charges

- £416** general administrative fee on all s106s for setting up and ongoing processing system.

Specific charges on each scheme based upon 40 units per annum (pa) build out:

For larger schemes (>120 units)

- In addition to **£416** general admin fee:
- 1 hour per site visit x 15 based on 1 year site build - £52 x 15 = £780.00
- 30-50 hours Admin/emails/telephone calls based on 1 year site build - £52 x 50 = £2,600.00
- Total for 1 year = **£3,796.00** per one year site build.
- Assume 40 units pa build out, lifetime of monitoring would be number of units ((u) / 40) rounded up x £3,796.00.

For medium schemes (40-119)

- In addition to **£416** general admin fee:
- 1 hour per site visit x 8 based on 1 year site build - £52 x 8 = £416.00
- 20-35 hours admin/emails/telephone calls based on 1 year site build - £52 x 35 = £1,750
- Total for 1 Year = **£2,582.00** per one year site build
- Assume 40 units pa build out, lifetime of monitoring would be number of units ((u) / 40) x £2,582.00.
- 41-80 Units 2 x £2,582.00) = **£5,164.00**
81-119 Units 3 x £2,582.00 = **£7,746.00**

For smaller schemes (<40 units)

- In addition to **£416** general admin fee:
- 1 hour per site visit x 4 based on 1 year site build - £52 x 4 = **£208.00**
- 10-20 hours admin/emails/telephone calls based on 1 year site build £52 x 20 = **£1040.00**
- 40 units based upon 1 year build out **£1664.00**

Others

Strategic sites (>800) and mixed schemes. A bespoke monitoring charge will be negotiated.

Appendix B – Calculation of affordable housing commuted payments

5.1.3 Acknowledgement: a sample of methodologies, as explained by Altair to the Essex & Suffolk Enablers Group in July 2021.

Approach	Payment in lieu of contribution	Comment
Method 1: The equivalent value of providing affordable housing on site	<i>Equals</i> The value of affordable housing <i>Less</i> Registered Provider (RP) on costs	This calculation is in effect the offer a Registered Provider would make for the affordable housing element of a scheme.
Method 2: The equivalent value of providing affordable housing on-site (alternative calculation)	<i>Equals</i> Open market value of affordable units <i>Multiplied by</i> Average residual land value percentage <i>Plus</i> Cost of site acquisition	This calculation is similar to the above method but uses a different approach to calculating the value of the affordable housing. The council would need to undertake a study to determine the average residual land value percentage, as well as determining an appropriate cost to the site acquisition.

Method 3:

The equivalent value of the increase in the residual land value gained by substituting private for affordable

Equals

Number of private units gained

Multiplied by

Average open market value

Multiplied by

Average residual land value percentage

This calculation attempts to determine the increase in land value through the additional private housing and attempts to strip the developer of that value.

Method 4:

The equivalent value of the additional benefit of providing additional market sale properties on the development

Equals

The open market value of the affordable housing

Less

Value of the affordable housing (less RP fees) Less

Additional developer costs

This calculation attempts to remove the additional value that is achieved through providing additional private sale – it does allow additional costs.

The attempt here is to leave the developer in the same position as providing on site affordable housing.

Appendix C – ECC contributions required by service area (ECC Developers’ Guide to Infrastructure Contributions 2024)¹⁶

Service area	Trigger for contribution	Expected contribution
Early years and childcare	20+ dwellings	Pupil product (0.045 per flat, 0.09 per house) x cost per pupil (new build - £23,865, extension - £19,989) Land for a new facility. Index: PUBSEC
Primary education	20+ dwellings	Pupil product (0.15 per flat, 0.3 per house) x cost per pupil (new build - £23,865, extension - £19,989). Land for a new school. Index: PUBSEC
Secondary education	20+ dwellings	Pupil product (0.1 per flat, 0.2 per house) x cost per pupil (new build - £28,912, extension - £27,492) Land for a new school. Index: PUBSEC

¹⁶ <https://www.essex.gov.uk/sites/default/files/2024-07/Developers%20Guide%202024.pdf>

Special needs education	1,000+ dwellings	Bespoke Index: PUBSEC
Post 16 education	20+ dwellings	Pupil product (0.01 per one bed flat, 0.02 per 2+ bed flat, 0.04 per house) x cost per pupil (new build - £28,096, extension - £26,717) Land for a new school. Index: PUBSEC
School transport	20+ dwellings	Primary - £19.88 x 190 days x 7 years = £26,440.40 per pupil. Secondary - £6.26 x 190 days x 5 years = £5,947 per pupil. Index: PUBSEC
Employment and skills	50+ dwellings	Employment skills plan
Highways and transportation	All development	Highway works via S278 notices, contributions and/or commuted sums for maintenance. Index: AFI (Civil Engineering) Series 2 (BIS)
Sustainable Travel Planning	All development	Travel packs in all cases, travel plans for 80 + dwellings. Work travel plans on employment sites where there will be 50+ employees. Index: CPI
Passenger transport	All development	Bespoke contributions for small sites – funding towards bus infrastructure; medium

		sites – fund diversions to existing routes or make a contribution to a new route; large sites – provide a transport service. Commercial sites as required. Index: AFI (Civil Engineering) Series 2 (BIS)
Public rights of way	Any development where there is a PROW	Contribution to or appropriate works conducted and arranging temporary or permanent diversions. Cycle Track Conversion Orders to be provided as necessary.
Waste management	Garden communities	Bespoke
Libraries	20+ dwellings	Where required (per dwelling) £244.92 library extension, £77.80 to upgrade existing facilities. Index: CPI
Flood and water management	Major sites	Ensure provision of SuDS on major sites. Commuted sums for maintenance of SuDS as required, based on the development.
Monitoring costs	All S.106 agreements	£700 per obligation. Bespoke payments on complex and/or major sites 1000+ dwellings.

NB Costs referred to are as of April 2023, except Education which are as at Q1 2024 as updated by the DfE Scorecard and adopted by ECC in July 2024. These costs may increase each year. Whilst this table is designed to assist in assessments of which contributions will be expected for each application, it is essential to read the relevant section in order to establish the actual amount likely to be required by ECC.

Contact information
www.uttlesford.gov.uk

