

<b>Committee:</b>	Cabinet	<b>Date:</b> Tuesday, 17 February 2026
<b>Title:</b>	A Community Infrastructure Levy (CIL) for Uttlesford: Outcome of consultation and submission for examination	
<b>Portfolio Holder:</b>	Cllr John Evans, Cabinet Member for Planning, Infrastructure and Stansted Airport	
<b>Report Author:</b>	Dean Hermitage, Strategic Director of Planning <a href="mailto:dhermitage@uttlesford.gov.uk">dhermitage@uttlesford.gov.uk</a>	<b>Key Decision:</b> No

---

## Summary

1. This report, which is just for noting, updates Members on the progress made in preparing a Community Infrastructure Levy (CIL) since Cabinet reviewed the Draft Charging Schedule (DCS) in September 2025.
2. The CIL DCS was subject to Regulation 16 consultation for six weeks between mid-September and late October 2025. Consultees' comments have been taken into consideration. An updated CIL DCS, with minor modifications, will be submitted for Examination in Public (EiP), which is now expected to take place in May 2026. A report back to Cabinet will follow after the EiP.
3. Alongside the CIL, Uttlesford's Developer Contributions Supplementary Planning Document (SPD) is being updated. Six weeks of public consultation on the draft SPD coincided with the CIL public consultation in autumn 2025 and comments received on the draft SPD have also been taken into account. Modifications are now proposed, not least to set the Council's approach to developer contributions more fully in the context of CIL. As a result, an updated draft SPD is set to go out for a further four weeks of public consultation from late February. Once the feedback has been considered, a revised SPD will be brought to Cabinet for adoption in June 2026.

## Recommendations

4. That Cabinet notes the progress made to date and continues to delegate any procedural matters in the lead-up to adoption of CIL and the SPD to the Strategic Director of Planning in consultation with the Cabinet Member for Planning.

## Financial Implications

5. No direct costs arising from this report. The production of CIL and the SPD is within the existing planning budget and grant.

## Background Papers

6. National Planning Practice Guidance [Community Infrastructure Levy - GOV.UK](#)

## Impact

Communication/Consultation	There was six weeks of public consultation on both the draft CIL charging schedule and the draft Developer Contributions SPD in autumn 2025. There will be a further four weeks of public consultation on the draft SPD from late February 2026.
Community Safety	These considerations will be incorporated into the design of the infrastructure which CIL and developer contributions will help to fund.
Equalities	The CIL will help to fund the delivery of infrastructure for Uttlesford, to help meet needs across the district and across the range of protected characteristic groups.
Health and Safety	Again, these considerations will be incorporated into the design of the infrastructure which CIL and developer contributions will help to fund.
Human Rights/Legal Implications	<p>The legislation governing the development, adoption, and administration of CIL is contained within the Planning Act (2008) and the Community Infrastructure Levy Regulations 2010 (as amended). The associated government National Planning Policy Guidance is also important in guiding this process.</p> <p>Governance arrangements, needed to comply with CIL regulations, are being developed.</p>
Sustainability	Once adopted, CIL could be used to support the delivery of 'green' infrastructure, alongside other mitigations of new development, as set out in the Developer Contributions SPD.
Ward-specific impacts	Potential positive impact on all wards.

Workforce/Workplace	Use of ECC resources over the last 12 months to enable UDC officers to focus on the Local Plan preparation.
---------------------	---

## Situation

### *Background*

7. The Community Infrastructure Levy (CIL) provides an important source of funding for the district, which will continue to help fund the delivery of local infrastructure even after local government reorganisation (LGR). The introduction of CIL supports a key Corporate Plan objective. Further details on CIL, including its purpose and operation, are set out in the Cabinet report of 4 September 2025. That report also covered the arrangements for producing an updated Developer Contributions SPD.
8. In September 2025, Cabinet agreed to the publication of the Community Infrastructure Levy Draft Charging Schedule (DCS) for public consultation pursuant to Regulation 16 of the Community Infrastructure Levy Regulations 2010 (as amended). It also agreed to the publication of the updated draft Developer Contribution SPD for consultation for at least 6 weeks concurrently. It was delegated to the Strategic Director of Planning, in consultation with the Cabinet Member for Planning to make any necessary minor modifications to the DCS following consultation and to formally submit it for independent examination.
9. Following the Cabinet's decision, the Council consulted on the CIL DCS and the draft updated version of the Developer Contributions Supplementary Planning Document (SPD) that supports it. The consultations ran from 15 September 2025 to 27 October 2025.

### *CIL DCS Consultation (Regulation 16 and 17)*

10. The CIL DCS consultation attracted 21 responses (summarised at Appendix 3). These included responses from developers and land promoters, and town / parish councils, with very few from individual residents. In the light of these comments, a number of minor modifications have been made to the DCS, which include:
  - Expanding the notes section under the charging schedule to include further definition for previously developed land and greenfield land;
  - Amending the Instalments policy to add a new instalment policy for development within the liability value band of £500,000 or more; and
  - Amending the Charging Schedule maps to ensure compliance with Regulation 12 of the CIL Regulations 2010 (as amended).

These modifications are not considered to be substantive, therefore no further public consultation on the updated CIL DCS is required prior to submission. However, it should be noted that a Statement of Modifications will be submitted

alongside the DCS (and other statutory submission documents), for examination. Upon submission, there will be opportunity for interested parties to respond to the Statement of Modifications through the examination process.

#### *Submission of the CIL DCS for Examination In Public (EiP) (Regulation 19)*

- 11.** Intelligent Plans & Examinations (IPE) has been appointed to examine the DCS. CIL Examinations must be carried out by an independent examiner, but there is no legal requirement for that examiner to be from the Planning Inspectorate (PINS). IPE can lawfully conduct a CIL Examination in Public and have done so elsewhere many times before, and successfully. Taking this route means the Council does not have to wait in the national queue and the examination process overall is likely to be much quicker and enable the Council to adopt a CIL sooner (estimated at up to 4 months sooner).
- 12.** The DCS will be submitted for examination with various minor amendments following consultation (although no changes to the charges themselves) along with the viability evidence and response to the consultation. In addition to the DCS, an Infrastructure Funding Gap Technical Paper has been produced. This provides strong evidence in support of CIL. It demonstrates that there is a funding gap of £200.82 million in Uttlesford and, thus, a real need for CIL to help the council close that gap.
- 13.** The EiP will test the proposed rates against evidence. An Examiners' Report will present the findings of the examination process, which will outline if the proposed rates can be adopted and if any changes required to the rates (much like the recent Local Plan process).
- 14.** All documents are being submitted in February in accordance with the Cabinet resolution of 4 September 2025.

#### *Next Steps Towards the Adoption of the CIL*

- 15.** An EiP will take place in May 2026, following the end of the (Essex elections) pre-election period. One to two days of hearings should be expected. Once dates are agreed, these will be publicised.
- 16.** Assuming the Inspector finds the CIL capable of adoption, and subject to any modifications proposed by the Examiner, the final DCS will be brought to Cabinet for adoption and then can be published with an 'effective' date. The 'effective' date is the date on which the Levy comes into effect. Any applications decided from that effective date are CIL liable, subject to any specified exemptions in the CIL Regulations. The Council can then start raising CIL income to pay for local infrastructure once the new development, which is CIL-liable, commences.
- 17.** All dates are to be confirmed and will be dependent on the EiP arrangements and Examiner.

## *The Developer Contributions SPD*

- 18.** Last autumn's public consultation on the draft Developer Contributions SPD also attracted 21 responses, from developers and land promoters, town / parish councils and a few individual residents. In the light of these comments and additional inputs from Council officers, a number of modifications have been made to the SPD. These include clarification of:
- how CIL will be chargeable from all new development in Uttlesford, which is not CIL zero-rated or exempt from CIL under the CIL Regulations 2010 (as amended).
  - how local infrastructure will be funded from CIL and from other forms of developer contributions;
  - how the calculation of affordable housing will be related to the viability assessment;
  - the Council's approach to the implementation of shared mobility schemes and public art (in line with Local Plan core policies).
- 19.** As such, a further round of public consultation on the SPD is proposed from 25<sup>th</sup> February for 4 weeks. An updated draft Developer Contributions SPD, taking account of the modifications mentioned in paragraph 18, will be publicised on the Council's website and made available for public inspection at the Council's offices.
- 20.** Once the further four weeks of public consultation has ended, the Council will take consultees' comments into account. The draft SPD will be modified accordingly. There is no need for an Examination in Public for an SPD. Therefore, the revised SPD will be sent straight to Cabinet for adoption.

## **Appendices**

**1 – Draft CIL Charging Schedule for submission (changes highlighted)**

**2 – Infrastructure Funding Gap Technical Paper**

**3 – CIL Consultation Response Summary**

### **Risk Analysis**

Risk	Likelihood	Impact	Mitigating actions
CIL does not go ahead as fails at examination.	1 – Unlikely, as officers and specialist consultants in place to deliver project.	2 – Delays and loss of CIL receipts during the delay.	Team and specialists in place. Following tried and tested preparation methods.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.