

Committee: Cabinet

Date: 9 June 2026

Title: Planning Obligations Supplementary Planning Document

Portfolio Holder: Cllr John Evans, Cabinet Member for Planning

Report Author: Dean Hermitage, Strategic Director of Planning **Key decision:** No
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Summary

1. To report the Council's response to the recent public consultations on a new Developer Contributions Supplementary Planning Document (SPD) - now renamed as the Planning Obligations SPD. It sets out the main issues raised in the consultation feedback and the modifications made to address them.

Recommendations

2. That Cabinet:
 - i. Approves the proposed Planning Obligations Supplementary Planning Document (SPD), attached as Appendix C, for adoption as a material consideration within the Uttlesford Local Plan area;
 - ii. Approves the withdrawal of the Council's 2023 Developer Contributions SPD, which is replaced by the new Planning Obligations SPD;
 - iii. Approves the monitoring fees for S106 agreements, for inclusion in an update of the Council's 2026/27 fees and charges list (see paragraph 15);
 - iv. Delegates to the Strategic Director of Planning, in consultation with the Cabinet Member for Planning to make any necessary minor modifications before finalising the Planning Obligations SPD.

Financial Implications

3. Developer contributions are an important means of mitigating the impact of development. The proposed new SPD will help the Council (and its successor), working with parish and town councils to continue to secure further funding (e.g., via S106 agreements) for improving local facilities and amenities in the context of the new Local Plan. The SPD will operate alongside the proposed Community Infrastructure Levy (CIL) once adopted later this year¹. Both the SPD and CIL have been informed by the Viability Assessment and found not to impact adversely the viability of future development in the district.

1. Officers expect to report a CIL update to the Cabinet/Council in the next few months on the next steps once the planning inspectors have produced their report on the recent CIL examination.

4. Officers recommend adding the planning obligations monitoring fees to the Council's annual list of fees and charges and to ensure that indexation is applied between planning approval and the date when the trigger for payment is reached (generally upon the commencement of development). The formula for calculating the monitoring fees has been simplified to maintain monitoring fee income and to reflect the new development categories likely to be introduced in the new National Planning Policy Framework.

Background Papers

5. The following papers were referred in the preparation of this report and are available for inspection.
 - i. Cabinet reports: An update on the Developer Contributions SPD was included in the report to Cabinet on the Community Infrastructure Levy on [17 February 2026](#). Cabinet had previously given approval on [4 September 2025](#) for officers to undertake public consultation on the first draft SPD.
 - ii. Consultation draft SPDs: There have been two consultation versions of the Developer Contributions SPD ([September 2025](#) and [February 2026](#)).
 - iii. Official guidance: See the Planning Inspectorate's [Planning obligations: good practice advice](#), February 2025.
 - iv. Consultation Statement: Officers have compiled a report detailing how the two public consultations were carried out, the feedback from consultees and the officer assessment and response to these comments.

Impact

6. The following impacts have been identified.

Communication & Consultation	Two rounds of public consultation were undertaken and responses have been taken into account in revising the SPD. Information on planning obligations and CIL is available on the Council's website. The Council reports the use of developer contributions in its annual Infrastructure Funding Statement .
Community Safety	No direct impact. Community safety considerations will be addressed in mitigating the impact of new development through the delivery of new/improved facilities.
Equalities	The SPD supports the new Local Plan for which equality impacts were considered as part of the Sustainability Appraisal in July 2024. Infrastructure improvements (e.g., open spaces, community and sports facilities and affordable housing) secured by planning obligations can benefit all sections of the community. A further, detailed checklist assessment has highlighted that, as a proportion of Uttlesford's population, people aged

<p><i>Equalities (continued)</i></p>	<p>65 or over are set to continue to increase significantly over the next 15 years. Separately, the number of 0-15s is also expected to rise. Such population changes have implications for the types of planning obligations to be sought from new development (e.g., to help local residents both access local healthcare and stay fit and healthy).</p>
<p>Health and Safety</p>	<p>No direct impact. By helping to mitigate the impact of development, the planning obligations set out in the SPD will contribute to the Council’s vision of “making Uttlesford the best place to live, work and visit.”</p>
<p>Human Rights / Legal Implications</p>	<p>The SPD provides detail and guidance to support policies in the Uttlesford Local Plan 2021-2041. The adoption of the SPD strengthens the position and application of the Local Plan. It has been developed in the context of the statutory tests under CIL Regulation 122, which require planning obligations to be: necessary to make the development acceptable in planning terms; directly related to the development; and fair and reasonable in scale and kind to the development.</p> <p>It has been prepared as a Supplementary Planning Document under the Town and Country Planning (Local Planning) (England) Regulations 2012. An SPD does not form part of the statutory development plan. However, once adopted, an SPD can be a material consideration in planning decision-making and will assist in the consistent negotiation and drafting of planning obligations.</p> <p>The Regulations require the Council to undertake public consultation on a draft SPD, and to prepare a consultation statement which summarises: (i) the persons consulted; (ii) the main issues raised in representations; and (iii) how those issues have been addressed in the final SPD. Following adoption, the Council must publish an adoption statement and make the adopted SPD and supporting documents (including the consultation statement) publicly available, including on the Council’s website, and notify those who have asked to be informed.</p> <p>These requirements have been met to date insofar as the Council has undertaken two rounds of public consultation (September–October 2025 and February–March 2026) and officers have compiled a Consultation Statement setting out the consultation undertaken, the main issues raised and the Council’s response to representations.</p> <p>Subject to Cabinet adoption, the remaining statutory steps (publication of the adoption statement and making the adopted SPD and supporting documents available) will be completed as soon as reasonably practicable after the decision. Failure to follow the required process could</p>

<i>Human Rights / Legal Implications (continued)</i>	reduce the weight that decision-makers can place on the SPD and may increase the risk of legal challenge. Adoption is time-critical given the Government's 30 June 2026 deadline for adopting new SPDs.
Sustainability	The SPD reflects policies featured within Uttlesford Local Plan 2021-2041 (adopted in March 2026) including those relating to biodiversity net gain, green and blue infrastructure and public open spaces.
Ward-specific impacts	Potential positive impact on all wards in helping to mitigate the impact of development.
Workforce/ Workplace	The day-to-day administration of planning obligations (and CIL) is co-ordinated by the Infrastructure Delivery team within the Planning Directorate.

Situation

7. The Council's current [Developer Contributions SPD \(2023\)](#) needs replacing and updating to reflect the new Local Plan and the [Local Plan evidence base](#), much of which has been refreshed since the 2023 SPD was adopted. Work began last year on the development of a new version.
8. A six-week public consultation on a draft SPD took place in September-October 2025, alongside public consultation on the draft CIL charging schedule. To take account of this public feedback, as well as suggestions from council services (including the addition of proposals for new developer contribution types relating to public art and shared mobility schemes), a further four-weeks of public consultation on a second draft SPD took place in February-March 2026 (before the pre-election period).

Public consultation findings

9. Across the two public consultations (in response to either one or both rounds), responses were received from:
 - 14 individuals/families and local residents;
 - 9 organisations (Epping Forest District Council, Essex County Council, Gardens of Easton Lodge Preservation Trust, Hertfordshire County Council, Hertfordshire & West Essex Integrated Care Board, Historic England, National Trust, Natural England and Sport England);
 - 8 developers/landowners/agents (from/on behalf of Churchill Living & McCarthy Stone Retirement Lifestyles, City & Country, Gladman, Hill Residential, Landsec, Pidgeon [Takeley], Portland Group, Weston Homes);
 - 5 parish and town councils (Great Chesterford Parish Council, Great Hallingbury Parish Council, Little Hallingbury Parish Council, Saffron Walden Town Council and Stansted Mountfitchet Parish Council).

10. An analysis of the feedback made across the two rounds of consultation has grouped together the comments made in to the following broad categories:

	Comment categories	Total
A.	Overall approach to the SPD (including deliverability and viability of development and compliance with regulations)	32
B.	Particular infrastructure types (e.g., shared mobility schemes, public art and sport)	26
C.	SPD wording and formatting	25
D.	Prioritisation process for the use of funds	10
E.	Other comments (not directly related to the SPD itself)	13

11. A summary of these consultation comments, presented under these five categories, can be found in Appendix A. Here is a list of the most common themes that were raised three or more times.

No.	Comment summary	Total
C1	Specific requests for factual amendments (e.g., relating to statutory bodies' functions and policy documents)	7
C2	Suggested changes to specific wording	6
C3	Correction of specific typing/formatting errors	5
A1	General support for the SPD (alongside other comments)	5
C4	Terms within the SPD need to be used consistently	4
B7	Concerns about the 'percentage for public art' approach – there should be a negotiation on a case-by-case basis	4
E1	Comments on the Local Plan and specific policies	4
A2	Clarify how CIL & S106 will work together (not clear)	3
A11	Increasing planning obligations or developer contributions could jeopardise the viability of development	3
A16	The SPD allows CIL and S106 processes to be used to secure funding for the same infrastructure (double-dipping concerns)	3
D1	CIL & S106 funding should prioritise communities most impacted by development (e.g., more than just the CIL local proportion)	3

Whilst addressing recurring themes has been a starting point, officers have taken account of all comments received, as appropriate.

Response to public consultation feedback

12. Officers would like to thank consultation respondents for their helpful feedback. Appendix B provides a detailed list of the modifications made. The revised draft of the Planning Obligations SPD, which is recommended for adoption by the Cabinet, can be found in Appendix C. The modifications include:
 - i. Renaming the document as the “Planning Obligations SPD” - removing the reference to CIL from the title and recognising that planning obligations required to make development acceptable in planning terms extend beyond financial contributions;
 - ii. Making factual amendments, wording clarifications, typing corrections and formatting changes, as appropriate, as well as making clearer the references to the district and county councils and presenting particular terms (e.g. ‘S106’) consistently;
 - iii. Making changes to the structure of the document - to make the SPD clearer and easier to follow - by
 - a. separating the policy background in Section 2 from process matters,
 - b. presenting the purpose of infrastructure types for which developer contributions may be sought (Sections 3 and 4) before process issues in Section 5 (the headings for those sections have also been renamed),
 - c. re-ordering sub-sections and paragraphs in order to achieve a more logical flow of information, which presents related contribution types next to each other and
 - d. removing Appendices A-C from the first consultation draft SPD and Appendices A-B from the second draft version, and
 - e. following up the SPD, once finalised and adopted, with further information and informal advice on planning obligations on the Council’s website and developing technical guidance notes on the Council’s approach to land transfers of public open spaces (drawing on existing practice and processes mentioned in the 2023 Developer Contributions SPD);
 - iv. Providing greater clarity about how Local Plan policies relate to infrastructure types for which developer contributions may be sought and including additional paragraphs on the Council’s approach to affordable housing and energy off-setting;
 - v. Focusing the SPD more clearly on financial and non-financial planning obligations that may be required to mitigate the impact of particular development whilst still acknowledging that, alongside S106 agreements, the Community Infrastructure Levy is to help local authorities to deliver the infrastructure needed to support development in their area;²

2. The S106 planning contributions can be in addition to the payment of the CIL (see paragraph 13).

- vi. Reflecting this clearer focus on planning obligations by revising Section 5 so that it no longer refers to CIL processes but gives more emphasis to key procedures relating to S106 agreements and unilateral undertakings;
 - vi. Addressing concerns on particular infrastructure types by clarifying that -
 - a. the suggested approach to the scale of public art planning obligations is indicative and will be considered on a case-by-case basis, to represent a fair and reasonable level of investment and
 - b. where it is not appropriate to deliver a shared mobility scheme on site, then proportionate S106 contributions will be required to support off-site shared mobility and active travel schemes in the locality; and
 - vii. Simplifying the approach and calculation of monitoring fees for developer contributions. Please note that the CIL Regulations, as amended, do allow councils to set monitoring fees. Proposals for setting these monitoring fees for 2026/27 can be found in paragraphs 14-18.
13. Before that, it is important to address three other issues that were raised in the consultation feedback.
- i. Can S106 funding and CIL funding be used towards the same infrastructure projects?

As already explained in this report, as well as in the revised SPD itself, S106 planning obligations and CIL funding have separate purposes: planning obligations are to mitigate the site-specific impacts of particular developments to make them acceptable in planning terms, whereas CIL funding is to help local authorities to deliver the infrastructure needed to support development in their area. New major developments will need to enter into S106 planning obligations as well as being liable for paying CIL, as appropriate. However, under the draft CIL Charging Schedule, strategic site allocations would be amongst those types of development that would be CIL zero-rated. The CIL Regulations, as amended, allow infrastructure projects to be funded by both S106 and CIL funding provided that the statutory tests³ of CIL Regulation 122 are met.

- ii. Why are strategic sites CIL zero-rated?

In setting out the proposals for the draft Charging Schedule in September 2025, the Cabinet report explained that the site-specific requirements of the strategic site allocations in the Local Plan mean that the need to mitigate the specific impact of those particular developments in a certain localities (to provide schools, parkland, healthcare, road links, public transport, and other contributions) already put them close to their viability limit. A CIL zero-rating of the strategic sites was therefore proposed, which is similar to the approach taken by many authorities with a CIL already in place.

3. The statutory tests under CIL Regulation 122 require planning obligations to be: necessary to make the development acceptable in planning terms; directly related to the development; and fair and reasonable in scale and kind to the development.

- iii. How will the CIL priority-setting process work? How will CIL funding be allocated?

As mentioned in paragraph 2.6.3 of the revised SPD (see Appendix C), the District Council will put in place a process to allocate the use of collected CIL funds to priority infrastructure. This will be developed over the summer and autumn of 2026: the District Council will engage parish and town councils in the process, alongside strategic infrastructure partners. The annual Infrastructure Funding Statement will set out priorities for the use of the CIL funding received.⁴ Please note, however, that it may take some time for new developments liable for paying CIL to reach the payment triggers for CIL (on commencement of development). Meanwhile, planning obligations can be used to help to mitigate the specific local impact of development site itself but will not be directed toward a specific parish unless it is directly impacted or affected by the development.

Setting 2026/27 monitoring fees for developer contributions

14. Paragraph 5.4.3 of the revised SPD (see Appendix C) sets out that the monitoring fees for developer contributions will vary depending on the scale of the development and the amount of monitoring involved. The detailed fees will be set out annually in the Council's list of fees of charges, setting out different bands of development (e.g., medium or large) and, for each band:
- the number of administration and compliance monitoring hours expected per year of development build-out;
 - the hourly monitoring rate; and
 - assumptions about the length of the construction period (number of years).
15. See, below, the table of proposed monitoring fees for 2026/27. This will need to be updated ahead of each new financial year. See also paragraphs 16-18.

Band	Monitoring hours per year	Assumed build-out	Total monitoring hours	Hours x £58.70 hourly rate
1-9 units	Unilateral undertakings for minor developments may be charged a basic administration and record management fee			
10-49 units	32	1.25 years	40 hours	£2,348
50-99 units	52	2.50 years	130 hours	£7,631
100 or more units	A bespoke approach will be taken to strategic sites of 100 or more new dwellings and to non-residential major developments.			

4. Alongside the Community Infrastructure Levy priority-setting process, every six months the Council (as the Collecting Authority) will pay a local proportion of CIL income received from new developments to the relevant parish and councils. This is for use by the parish/town council to support the development of its parish/town council area by funding the provision, improvement, replacement, operation or maintenance of infrastructure or anything else that is concerned with addressing the demands that development places on the area.

16. Similar to the approach which informed the monitoring fees proposed in the second consultation draft SPD, there are assumptions that:
- i. All new major development will involve 12 hours per year in administering S106 payments and planning obligations record management.
 - ii. New developments of 10-49 units will also involve 20 hours of planning obligations monitoring per year, while that will be double for new developments of 50-99 homes.
17. The 'monitoring hours per year' figure is based on 12 hours plus 20 hours for 10-49 units and 12 hours plus 40 hours for 50-99 units. The assumed build-out rate is 40 new dwellings per years, so up to 50 units could take up to a year and a quarter and up to 99 homes could take two and a half years. The total monitoring hours is based on multiplying the monitoring hours per year by the build-out rate. The latest hourly rate of £58.70 is based on the £52 hourly rate featured in the 2023 SPD, to which indexation has been applied.
18. Please note:
- i. Unilateral undertakings for minor developments of nine or fewer dwellings (which are not covered by S106 agreements) may be charged a basic administration and record management fee where this is not already addressed via other administrative fee arrangements (e.g., for Essex Coast RAMS charges or Hatfield Forest SAMM charges).
 - ii. A bespoke approach will be taken to strategic sites of 100 or more new dwellings and to non-residential major developments.

Risk Analysis

19. The following risk has been identified

Risk	Likelihood	Impact	Mitigating actions
The SPD is not agreed, adopted or implemented effectively	1 – Unlikely. The SPD has taken account of official regulations and feedback from public consultations.	2 – Modest. The Council will continue to secure planning obligations to mitigate the impact of development; the SPD helps to explain the nature of these obligations	Officers will revise the SPD and, with delegated authority to the Strategic Director of Planning, will reproduce the document as informal guidance.

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.

Appendices

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| Appendix A | Summary of comments raised in consultations on the first & second Developer Contributions SPD drafts |
| Appendix B | Modifications Statement* |
| Appendix C | Clean Draft of the Planning Obligations SPD* |

*Available as separate documents

Appendix A: Summary of comments raised in consultations on the first & second Developer Contributions SPD drafts

Health warning: This appendix aims to reflect the main themes arising from the two rounds of public consultation on the Developer Contributions draft SPDs. Even so, the analysis is subject to interpretation: the short summaries of comments received may not convey the nuances of some responses. Where the same particular point was made more than once in the same consultation response, it has been counted only once. 'Nil response' replies to the public consultation and suggestions from council services have not been included in the analysis.

No.	Comment summary	Mentions
A. OVERALL APPROACH TO THE SPD		
A1	General support for the SPD (alongside other comments)	5
A2	Clarify how CIL & S106 will work together (not clear)	3
A3	SPD should acknowledge particular local circumstances/needs	2
A4	Call for further explanation on infrastructure funding gap	1
A5	Consider strategic sites on a case-by-case basis	1
A6	Make clear that CIL exemptions are set out in regulations	1
A7	Parish councils should be signatories to S106 agreements and have more involvement in the process.	1
A8	Welcome SPD's references to partnership documents/processes	1
A9	Why are monitoring fees required?	1
A10	Why are strategic developments not covered by CIL?	1
Deliverability and viability of development		
A11	Increasing planning obligations or developer contributions could jeopardise the viability of development	3
A12	SPD needs to support strategic development and be flexible enough to maintain the viability of development	2
A13	On top of the contribution types in the SPD, ECC may seek other contributions (viability needs to be seen in this context)	2
A14	The Viability Assessment is 243 pages long	1
A15	Where there is on-site provision (affordable housing, shared mobility), do not seek financial contributions too	1
Compliance with regulations		
A16	The SPD allows CIL and S106 processes to be used to secure funding for the same infrastructure (double-dipping concerns)	3
A17	Make sure developer contributions reflect the statutory tests	2

No.	Comment summary	Mentions
A18	Development can sometimes be made acceptable via planning conditions, without needing planning obligations	1
B. PARTICULAR INFRASTRUCTURE TYPES		
Shared mobility schemes		
B1	Concerns about indicative costs for shared mobility schemes	2
B2	Need clarification about whether shared mobility schemes are expected beyond residential development	1
B3	Off-site contributions for shared mobility schemes should take account of on-site provision	1
B4	Questions scale of a specific shared mobility scheme	1
B5	Until wider cycling infrastructure is in place, demand for e-bikes schemes etc is likely to be limited	1
B6	Wording on need for mobility hubs needs to be more definite	1
Public art		
B7	Concerns about the 'percentage for public art' approach – there should be a negotiation on a case-by-case basis	4
B8	Criticisms of off-the-shelf public art	1
B9	Funding for cultural infrastructure (e.g., workshop space for artists) would provide a long-term benefit	1
B10	Public art contributions should be paid direct to parish councils	1
Sports		
B11	Sports and recreation should have its own section	1
B12	SPD should reiterate preference that parish councils are the preferred option for managing sports & recreation facilities	1
B13	Supports approach to sports contributions	1
B14	No mechanism for setting level of sports contributions	1
Other		
B15	Biodiversity Net Gain / Green Infrastructure should be delivered on-site/nearby	2
B16	Appendix B of the first consultation draft SPD (on affordable housing calculation methods) was confusing	1
B17	How affordable housing will be funded? (S106 or CIL?)	1
B18	Additional wording needed on Hatfield Forest SAMM	1
B19	Protecting and enhancing heritage: positive comments	1

No.	Comment summary	Mentions
B20	Where development creates additional traffic, S106 agreement should seek specific mitigation measures	1
B21	There is no recognition of community venues, allotments, cemeteries and burial spaces within the draft SPD	1
C. SPD WORDING AND FORMATTING		
C1	Specific requests for factual amendments (e.g., relating to statutory bodies' functions and policy documents)	7
C2	Suggested changes to specific wording	6
C3	Correction of specific typing/formatting errors	5
C4	Terms within the SPD need to be used consistently	4
C5	Change the name of the SPD	2
C6	The SPD is hard to follow and lacks clarity	1
D. PRIORITISATION PROCESS FOR THE USE OF FUNDS		
D1	CIL & S106 funding should prioritise communities most impacted by development (e.g., more than just the CIL local proportion)	3
D2	Say more about how the CIL priority-setting process will work	2
D3	S106 monitoring reports /Infrastructure Funding Statement should be transparent (re:where funds are generated & spent)	2
D4	Project prioritisation for CIL funding should be open to scrutiny	1
D5	Commit to consulting relevant parish council when allocating/prioritising developer contributions in parish	1
D6	Need clear mechanism for parish councils to influence how CIL funding is allocated	1
E. OTHER COMMENTS		
E1	Comments on the Local Plan and specific policies	4
E2	Monitoring & enforcement of development needs to be stronger	2
E3	Comments about a particular development proposal	1
E4	Council has a poor record in delivering affordable housing	1
E5	Criticisms of the Council/Local Planning Authority	1
E6	Dissatisfied by the impact of development and lack of local facilities	1
E6	Growth targets should be realistic	1
E7	Infrastructure must precede development	1
E8	Infrastructure planning/delivery should more proactive & strategic	1