



Planning Obligations Supplementary Planning Document (SPD)

Modifications Statement

June 2026

This statement sets out the modifications made following the consultations on the SPD and sets out a brief justification as to why those modifications have been made. Further details of the consultation process and the justifications for modification can be found in the Consultation Statement.

Section / Topic	Nature of Modification	Justification
Formatting amendments throughout	Update various minor formatting, grammatical and consequential amendments following the addition of paragraphs and restructuring of documents.	For clarity
Clarification amendments throughout	Various clarification amendments throughout the document to reflect: <ul style="list-style-type: none"> • Correct references to other documents and organisations. • Correct internal references in the documents. • Ensure footnotes are consistent and has updated URL links. • Correct wording throughout for clarity on the definition of CIL, Planning Obligations and Developer Contributions • Amend references to section 106,278 and 38 for consistency (E.g. from S106 to S106). • Amend references to ‘the Council’ to make clear whether it is a reference to Uttlesford District Council or Essex County Council. 	For clarity
Document Title	Updated document title to reflect "Planning Obligations" rather than "CIL Developer Contributions" and updated the date.	For clarity
New paragraph to clarify scope of SPD	Add additional paragraph under 1.1: <u>This SPD provides examples of the infrastructure types for which developer contributions might be sought but is not a comprehensive list. Negotiations of S106 agreements for strategic site allocations will need to take account of policies in the Uttlesford Local Plan 2021-2041 and infrastructure needs identified in the Infrastructure Delivery Plan. For example, Core Policy 68 on community uses highlights the importance of</u>	For clarity and to respond to comments about other infrastructure requirements

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	<p><u>new, expanded or improved community facilities, such as local shops, meeting places, cultural buildings, public houses, places of worship, health and care facilities, community centres, education provision and libraries. The IDP also identified that new community halls (which can be integrated with other services such as sports provision, youth provision and police community liaison) are anticipated to come forward in large development areas, specifically within the proposed strategic allocations at Saffron Walden, Great Dunmow and Takeley.</u></p>	
<p>Reference to CIL rates</p>	<p>Amend references to CIL charges as to not prejudice the outcome of the CIL examination, with reference to the CIL webpage for further information</p> <p>1.1.4 Once the CIL has been adopted new development on residential strategic site allocations in the ULP will be CIL zero-rated and will be covered by S106 agreements.</p> <p><u>Subject to the adoption of a CIL Charging Schedule in the district, a ‘per square metre’ CIL charge would apply to new development granted planning permission, from the effective date of the Charging Schedule. Developments in the district would be charged CIL, in accordance with the CIL Charging Schedule and the CIL Regulations 2010 (as amended). S.106 planning obligations may also be used on a case-by-case basis to mitigate the impact of development.</u></p> <p>2.6.1. The CIL is a locally set charge or levy on new development. <u>Development will be charged in accordance with the CIL charging schedule⁷ and CIL</u></p>	<p>Not to prejudice the outcome of the CIL examination</p>

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	<p>Regulations 2010 as amended. Most new non-strategic developments including minor development in the district will be subject to paying this levy.</p> <p>Uttlesford District Council’s Community Infrastructure Levy: https://www.uttlesford.gov.uk/cil</p>	
Section 3 Name Amendment	Amend the name of section 3 from “Developer Contribution Categories” to “Planning Obligations: Uttlesford”	For clarity
Section 4 Name Amendment	Amend the name of section 4 from “County-led Developer Contributions” to “Planning Obligations: Other Organisations”	For clarity
Energy Offsetting	<p>New Energy Offsetting addition to section 3:</p> <p><u>3.2.1 The District Council’s approach to energy offsetting is based on the principle that carbon reduction should be maximised on site wherever practicable. Development proposals will be expected to demonstrate, through their design, that all reasonable and viable measures to reduce energy demand and carbon emissions have been fully explored and incorporated. Energy offsetting will only be accepted where an applicant can robustly demonstrate that the scheme has gone as far as it reasonably can to meet the relevant climate change policy requirements and a residual shortfall remains.</u></p> <p><u>3.2.2 Development proposals will be assessed against energy and carbon reduction requirements at both the design stage and the ‘as built’ stage. At the design stage, applicants must identify any anticipated shortfall against policy targets and, where necessary, make provision for an offset contribution to address residual emissions. Following</u></p>	To respond to internal comments on the energy policies within the Local Plan.

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	<p><u>completion, an ‘as built’ energy assessment will be required to confirm the development’s actual performance. Where this identifies a greater shortfall than anticipated at the design stage, an offset contribution will be required to address the remaining difference.</u></p> <p><u>3.2.3 Any energy offset contributions will be secured through a Section 106 agreement, be proportionate to the scale of the residual emissions, and be directed towards measures that deliver equivalent or greater carbon reduction within the district. Offsetting will be treated strictly as a last resort mechanism and will not reduce the expectation that schemes achieve the highest possible level of on-site carbon reduction in accordance with adopted policy.</u></p>	
<p>Section 3 Restructuring</p>	<p>Restructured the mitigation categories for better flow and to accommodate the additional energy offsetting sections and to reflect the order within the Uttlesford Local Plan.</p> <p>Remove section at the end of Green Infrastructure:</p> <p>For open space and recreation provision, major residential development will be required to maximise opportunities to incorporate new open space and/or enhance existing provision commensurate to the need generated by the new development. Where open space cannot be provided on-site, a financial contribution towards new and/or improved off-site facilities in the locality would be appropriate.</p> <p>Move section at the end of Green Infrastructure to Open Space, Sports and Recreation:</p> <p><u>For the ongoing management of public open space, and in accordance with ULP 2021-2041 Core Policy 67a, the District Council’s preferred</u></p>	<p>For clarity and to respond to comments about the unclear structure.</p>

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	<p><u>hierarchy of management bodies for public open space is for these areas to be transferred over to the relevant parish or town Council. If that is not possible, then the next preference would be transfer to Uttlesford District Council or, if not that, 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. Please see Section 5.3 for more details of the process for the transfer of open spaces to parish and town councils or the District Council.</u></p>	
<p>Public Art Clarification</p>	<p>Amendment to the public art section to clarify that the contributions required are indicative and that these guidelines relate to public art rather than community cultural facilities more widely and the way that the ‘total project cost is measured, as follows:</p> <p>The District Council encourages publicly accessible works of art and culture within new developments, landscapes or townscapes.</p> <p>Local Plan Policy DP 9 requires Public Art from all major developments. The Public Art contribution will be considered on a case-by-case basis, depending on the scale and type of development. <u>The Council considers the guidelines in Table 2 to represent a fair and reasonable level of investment, subject to site-specific viability and design considerations.</u></p> <p>Remove ‘In some cases’</p> <p>Table 2: <u>Indicative</u> Public Art Development Contributions</p>	<p>To clarify the nature of the Public Art contribution required.</p>

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	<p>Add footnote to total project cost ¹ <u>as defined by RICS New Rules of Measurement (NRM1), excluding land acquisition, finance, marketing and developer profit, unless otherwise agreed.</u></p> <p>and establishing a Public Art Panel to provide specialist advice will be included in a Public Cultural Arts Strategy Guidance Note that the Council aims to make available by winter 2026/27.</p>	
<p>Shared Mobility Schemes Amendment</p>	<p>Amend Mobility Hub Section as follows</p> <p>3.11. 1 Local Plan Core Policy 26 and Core Policy 27 require new development to implement shared mobility schemes as essential infrastructure. New development should contribute towards the improvement of all sustainable modes of transport including public transport and the improvement and delivery of walking and cycling routes that serve the new development and, where possible, connect to existing routes.</p> <p>3.11.2 This will be achieved through the provision of on-site infrastructure and through S.106 contributions from developers. <u>For those sites where it is not appropriate to deliver a shared mobility scheme on site, then proportionate S106 contributions will be required to support</u> off-site shared mobility <u>and</u> active travel schemes in the locality.</p> <p>3.11.3 The on-site infrastructure will be secured through planning obligations. The shared mobility scheme could include the provision of a mobility hub co-locating sustainable transport modes in a central or convenient location with bus stops with real-time information; marked-out car club spaces; and cycle stands for an E bike hire scheme. Such facilities should be provided before the first occupation of new development.</p> <p>3.11.4 The <u>on</u>-site S.106 contributions will be required at commencement of development to fund the shared mobility scheme or active travel schemes in</p>	<p>To clarify the nature of the Shared Mobility schemes required.</p>

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	<p>the locality, including the supply of E car club vehicles, E bikes and E cargo bikes for the hire schemes. <u>An obligation claw back or trigger clause should be included in the legal agreement to ensure that if the scheme or any part of the scheme cannot be delivered on site the Council can spend the contribution on shared mobility schemes and active travel schemes in the vicinity of the site.</u></p> <p>3.11.5 Details of the contributions are set in Appendix A.</p> <p>Remove Appendix A</p>	
<p>Section 5 Name Amendment</p>	<p>Amend the name of section 5 from “Governance Arrangements” to “Processes and Administration”</p>	<p>For clarity</p>
<p>Section 5.1</p>	<p>Amend title to “<u>S106 Agreements and Unilateral Undertakings</u>”.</p> <p>Replace paragraph 5.1 in order to focus Section 5 on developer contributions, distinct from the Community Infrastructure Levy.</p> <p>Add new paragraphs 5.1.1 and 5.1.2 as follows:</p> <p><u>5.1.1</u> <u>Section 5 focuses primarily on S106 agreements for major developments. This includes:</u></p> <ul style="list-style-type: none"> • <u>negotiating S106 agreements as part of the planning process and finalising their contents; and</u> • <u>where appropriate, transferring public open spaces from major developments to the relevant parish or town council or to the District Council (or successor unitary authority).</u> 	<p>For clarity</p>

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	<p><u>5.1.2</u> <u>That said, Sections 5.4 and 5.5 relate to both S106 agreements and unilateral undertakings in setting out the District Council’s approach to:</u></p> <ul style="list-style-type: none"> • <u>managing payments of financial contributions from developers as they become due for payment and applying indexation, as appropriate; and</u> • <u>monitoring compliance with planning obligations and the effective use of developer contributions.</u> 	
<p>Paragraph 5.3 Name Amendment</p>	<p>Amend the name of section 5 from “S.106 Agreements and UUs: important details” to “<u>Payments and indexation</u>”.</p>	<p>For clarity</p>
<p>Paragraph 5.4 Name Amendment</p>	<p>Amend the name of section 5 from “S.106 Monitoring” to “<u>Planning Obligations Monitoring</u>”</p>	<p>For clarity</p>
<p>Monitoring Fees</p>	<p>Replaced fixed tables with text stating that detailed fees will be "set out annually in the Council's list of fees of charges".</p>	<p>For clarity</p>
<p>New section 5.5 on ‘Fees for Monitoring Planning Obligations’</p>	<p>Add new paragraphs 5.5.2-5.5.4 under the heading of “<u>Fees for Monitoring Planning Obligations</u>”</p> <p><u>5.5.2</u> <u>The District Council seeks monitoring fees from developers towards the expected administration costs of processing developer contribution payments and records management, as well as checking compliance with planning obligations in general. The charging of a monitoring fee is provided for under Section 11 of the Local Government Act 1972, Section 1 of the 20 Localism Act 2011, and is reflected in the Community Infrastructure Levy Regulations 2010 (as amended). The fees are separate from any charges which may also be required relating to specialist monitoring of particular, technical or complex planning obligations.</u></p> <p><u>5.5.3</u></p>	<p>Simplification and consistency</p>

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	<p><u>The fees 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:</u></p> <ul style="list-style-type: none"> • <u>the number of administration and compliance monitoring hours expected per year of development build-out;</u> • <u>the hourly monitoring rate; and</u> • <u>assumptions about the length of the construction period (number of years).</u> <p><u>5.5.4</u> <u>Unilateral undertakings may be charged a basic administration and record management fee where this is not already addressed via existing administrative fee arrangements (e.g., for Essex Coast RAMS charges or Hatfield Forest SAMM charges). Monitoring fees associated with strategic and complex developments will continue to be negotiated on a case-by-case basis.</u></p>	
<p>Appendices Removals</p>	<p>Removed the shared mobility tables in Appendix A and the CIL/S.106 decision questionnaire (Appendix B), leaving only the abbreviation glossary as the sole appendix.</p>	<p>To respond to comments on the CIL/S106 questionnaire and for including explicit figures for shared mobility schemes.</p>