

# Uttlesford Planning Obligations

## Supplementary Planning Document

June 2026





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# 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 Developer Contributions SPD of March 2023.

1.1.2 This SPD provides examples of the infrastructure types for which developer contributions might be sought but is not a comprehensive list. Negotiations of Section 106 (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 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.

1.1.3 This SPD has been prepared alongside the development of a new Community Infrastructure Levy (CIL) Charging Schedule. Following independent examination in late spring 2026, UDC intends to introduce the CIL across Uttlesford’s administrative area later in 2026. See section 2.6 for further information on CIL.

1.1.4 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. Details of the



adopted CIL Charging Schedule will be made available on the District Council website<sup>1</sup>. Developments in the district would be charged CIL, in accordance with the CIL Charging Schedule and the CIL Regulations 2010 (as amended). S106 planning obligations may also be used on a case-by-case basis to mitigate the impact of development.

1.1.5 Section 3 of this Uttlesford SPD sets out planning obligation types currently overseen by Uttlesford District Council. Section 4 lists other infrastructure categories including those for which Essex County Council (ECC) expects contributions from developers. Details of those ECC contribution types can be found in the ECC Developers' Guide to Infrastructure Contributions.<sup>2</sup>

1.1.6 This SPD is for use by developers, local parish and town councils, other statutory bodies operating in the district and other applicants, as appropriate. It will aid the consistent application of planning policies in the ULP 2021-2041. A key aim is to assist developers in making

planning applications, including during pre-application negotiations, and to provide greater certainty and reduce delay. It will ensure new development will contribute appropriately to improvements to existing or additional facilities to support growth and help to meet increased demands for infrastructure.

## 1.2 District Council Priorities

1.2.1 UDC's Corporate Plan 2023-2028 (UDCCP) states its overall vision as "making Uttlesford the best place to live, work and visit". It highlights four strategic priorities:

- Putting residents first;
- Protecting and enhancing our environment;
- Building strong communities; and
- Encouraging economic growth.

1.2.2 Improvements to infrastructure is a recurring theme which runs through the UDCCP as a means to realising these priorities, recognising the continuing importance of developer contributions and the introduction of CIL to help fund new infrastructure.

1. Uttlesford District Council's Community Infrastructure Levy web pages: <https://www.uttlesford.gov.uk/cil>

2. Essex County Council's "Developer's Guide to Infrastructure Contributions" can be found at: <https://www.essex.gov.uk/planning-land-and-recycling/planning-and-development/planning-advice-and-guidance/guidance>



## 2.0 Statutory and Planning Policy Background

### 2.1 Statutory Planning Policy Requirements

2.1.1 Planning obligations<sup>3</sup> are site-specific legally-binding commitments that are entered into to mitigate the impact of new development. Section 106(1) of the Town and Country Planning Act 1990 (as amended) (TCPA) allows planning obligations to be secured in order to:

- 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
- Require a sum or sums to be paid to the authority once particular development milestones or trigger date or development points have been reached.

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.

These criteria are referred to elsewhere in this SPD as the “CIL Regulation tests”.

2.1.4 Planning obligations can be in the form of an agreement (commonly referred to as a Section 106 agreement) between 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

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3. Unlike CIL, which is strictly a monetary charge, S106 planning obligations can secure both financial contributions and non-financial 'in-kind' obligations (e.g., the direct delivery of on-site affordable housing or land dedication).



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 Planning Policy Context

- 2.2.1 Paragraphs 55-58 of the National Planning Policy Framework (NPPF) 2024 set out the Government’s policies on planning obligations. Paragraph 56 states that planning authorities should consider using planning obligations where this could make an otherwise unacceptable development acceptable, but only where it is not possible to address unacceptable impacts through planning conditions. The tests referred to in paragraph 2.1.3 are reiterated from paragraph 58 of the NPPF 2024.
- 2.2.2 Online guidance on planning obligations is available in the Planning Practice Guidance (PPG) via GOV.UK Planning Obligations.<sup>4</sup>

## 2.3 Local Planning Policy Context

- 2.3.1 The development plan for UDC consists of the:
- Uttlesford Local Plan 2021-2041
  - Essex Minerals Local Plan (2014)
  - Essex and Southend-On-Sea Waste Local Plan (2017)
  - Made Neighbourhood Plans
- 2.3.2 The following ‘made’ Neighbourhood Plans within Uttlesford are:
- 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

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4. See the Planning Obligations guidance: <https://www.gov.uk/guidance/planning-obligations>



2.3.3 Other Neighbourhood Plans are in preparation or under review including those in larger village settlements for which the Local Plan identifies the need for a major housing allocation.

## 2.4 Uttlesford Local Plan 2021-2041

2.4.1 Development proposals must be considered in line with the adopted ULP 2021-2041.<sup>5</sup> Proposals which require planning obligations should be considered in accordance with the relevant policies.

2.4.2 These ULP 2021-2041 policies provide the rationale and justification for requiring planning obligations:

*Table 1: Policy Rationale and Justification*

Policy	Description
Core Policy 5	Providing Supporting Infrastructure and Services
Core Policy 7	Delivery of Transport Schemes within the North Uttlesford Area
Core Policy 9	Green and Blue Infrastructure in the North Uttlesford Area
Core Policy 13	Delivery of Transport Schemes within the South Uttlesford Area

Policy	Description
Core Policy 15	Green and Blue Infrastructure in the South Uttlesford Area
Core Policy 26	Providing for Sustainable Transport and Connectivity
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 49	Employment and Training
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 66	Planning for Health and Wellbeing
Core Policy 67a	Management of Public Open Space
Core Policy 68	Community Uses

5. Find the Uttlesford Local Plan online: <https://www.uttlesford.gov.uk/local-plan>



2.4.3 Site-specific policies across Uttlesford (ULP 2021-2041 Core Policy 6, 6a, 10, 10a and 16) set out the amount and type of development provided within each site allocation, as well as specific supporting infrastructure and other requirements needed for each site.

## 2.5 Uttlesford Infrastructure Delivery Plan

2.5.1 The Uttlesford Infrastructure Delivery Plan (IDP)<sup>6</sup> is a live document and provides the District Council with the understanding of infrastructure deficit and requirements in the context of planned growth and inform the ULP 2021-2041. Appendix C of the IDP sets out the schedule of required infrastructure to deliver Uttlesford’s growth over the Plan period, including information on the type of infrastructure, location, project importance, indicative costs and indicative phasing.

2.5.2 The IDP contains information provided by infrastructure providers will alter over time, reflecting changing needs. The details within it should be treated as indicative.

2.5.3 Applicants should refer to the latest version of the IDP on the District Council’s website. Although the IDP does not form part of the development plan, its latest version will be a material consideration when determining planning application against ULP 2021-2041 Core Policy 5: Providing Supporting Infrastructure and Services.

## 2.6 Uttlesford Community Infrastructure Levy (CIL)

2.6.1 The CIL is a locally set charge or levy on new development. Development will be charged in accordance with the CIL charging schedule<sup>7</sup> and CIL Regulations 2010 as amended. The District Council is the CIL Charging Authority. 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, as the CIL Collecting Authority, to provide infrastructure which is required to support new development within the Uttlesford District area.

2.6.2 The CIL<sup>8</sup> will apply to new development, a new building or an extension which results in 100 m<sup>2</sup> or more of net

6. See the Infrastructure Delivery Plan: <https://www.uttlesford.gov.uk/article/10144/Local-Plan-2021-2041-Evidence-Base#inf>

7. Uttlesford District Council’s Community Infrastructure Levy: <https://www.uttlesford.gov.uk/cil>

8. See the Government’s CIL guidance: <https://www.gov.uk/guidance/community-infrastructure-levy>



increase in gross internal floor space. Development which is less than 100 m<sup>2</sup> 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. The following types of development are not required to pay the levy in accordance with Regulation 42 of the CIL Regulations 2010 (as amended):

- development of less than 100m<sup>2</sup>, unless this consists of one or more dwelling and does not meet the Government’s self-build criteria;
- 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 (e.g., pylons, solar farms and wind turbines).

2.6.3 To support the preparation of the Uttlesford CIL Charging Schedule, the District Council has had to evidence the need to introduce the levy by identifying the total cost of

infrastructure that it wishes to fund wholly or partly through the levy.<sup>9</sup> It has used the latest Infrastructure Delivery Plan to set out what additional infrastructure is needed in the area to support development and the approximate cost and funding sources available to deliver that infrastructure. The Infrastructure Funding Gap Technical Paper builds on the IDP to demonstrate the need for CIL. As of February 2026, the District Council has identified a total infrastructure cost of £6.27 billion to support the Local Plan. This total comprises £243.8 million for ‘Essential’ Infrastructure projects and approximately £6.02 billion for projects that are considered ‘important for placemaking’. This totals £6.27 billion and against this cost £6.01 billion has been secured through national funding arrangements and £42.3 million has been committed via locally secured funding, such as S106 agreements. After accounting for these, the District Council faces an overall infrastructure funding gap of £211.6 million.

2.6.4 Subject to the adoption of the CIL Charging Schedule,<sup>10</sup> the District Council will put in place a process to allocate

9. The proposed levy rates prepared for the Charging Schedule have been informed by a Viability Assessment

10. Details of the Uttlesford CIL Charging Schedule, once adopted, will be made available on the District Council’s website: [www.uttlesford.gov.uk/cil](http://www.uttlesford.gov.uk/cil)



the use of collected CIL funds to priority infrastructure projects. This will be informed by the District Council's existing infrastructure evidence base and further engagement with infrastructure providers, district councillors and parish and town councils. Details of the infrastructure projects to be funded in whole or in part by CIL will be updated annually in the District Council's Infrastructure Funding Statement (IFS)<sup>11</sup>

## 2.7 S106 Agreements

2.7.1 Although CIL will apply to many new developments in the district, in which the District Council will continue to secure S106 agreements, such as for strategic site allocations in the Uttlesford Local Plan 2021-2041 or for other planning obligations, such as affordable housing.

2.7.2 S106 agreements are legal agreements between a planning authority and one or more developers or persons/organisations with an interest in the land that ensure that certain extra works related to a development of 10 or more homes are undertaken. They are a legal charge on the land, so their obligations transfer automatically with any change in ownership.

2.7.3 As the principal signatory to the S106 agreement, the District Council is responsible for the collection and spending of the Uttlesford developer contributions (as set out under Section 3), including those secured for third parties who are not a signatory to the S106 agreement. Other signatories to S106 agreements can be included where they are beneficiaries, including Essex County Council.

2.7.4 See also Section 5 for further details about S106 negotiations, payments & indexation and monitoring.

## 2.8 Unilateral Undertaking (UU)

2.8.1 A unilateral undertaking is a legal deed where applicants covenant to perform planning obligations (e.g., agreeing to pay particular developer contributions). It is 'unilateral' in that it is not an agreement that is entered into with a local authority. See also Section 5 for further details about entering into a unilateral undertaking and important details relating to payments, indexation and monitoring fees."

2.8.2 Although a UU is not usually appropriate for major development (which will be addressed by a S106

11. See the Council's Infrastructure Funding Statements: <https://www.uttlesford.gov.uk/article/7448/Infrastructure-funding-statement>



agreement instead), it may be used for minor developments of fewer than 10 homes.

- 2.8.3 A 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.
- 2.8.4 If, following discussion with a planning case officer, a developer chooses to submit a UU, a complete, signed copy is required so that it can be considered prior to determining the planning application. Once submitted, it will be assessed against the CIL regulations tests in the committee report. A UU comes into effect when planning permission to which they are linked is granted.

## 2.9 S278 and S38 agreements

- 2.9.1 Section 278 of the Highways Act 1980 allows developers to enter into a legal agreement with the Highway Authority (i.e., Essex County Council) to make permanent alterations or improvements to a public highway, as part of a planning approval. Works included as part of S278 works are new or changed points of access into or in close proximity to a development site. Section 38 of the same Act allows developers to agree to construct a highway and then offer it to the Highway Authority for adoption.
- 2.9.2 Applicants / developers are required to pay for S278 and S38 agreements and are encouraged to liaise with ECC<sup>12</sup> as Highway Authority, at the earliest opportunity to understand likely costs of such works.
- 2.9.3 More details about the planning obligations sought by other organisations to mitigate the impact of development can be found in Section 4.

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12. See the County Council's Planning advice and guidance web pages: <https://www.essex.gov.uk/planning-land-and-recycling/planning-and-development/planning-advice-and-guidance>



## 3.0 Planning Obligations: Uttlesford

### 3.1 Mitigating the Impact of Development (CP5)

- 3.1.1 The Uttlesford Local Plan 2021-2041, 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.
- 3.1.2 This section of the SPD sets out a range of contributions that might be considered in negotiations on planning applications that require a planning obligation. The obligations are a guide to assist negotiations with the District Council. The infrastructure types mentioned in this SPD are not an exhaustive list. Infrastructure needs will be considered on a case-by-case basis and will be informed by the policies within the Local Plan.

### 3.2 Energy Offsetting (CP22, CP23, CP24)

- 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.
- 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 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.

- 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.

### 3.3 Shared Mobility Schemes (CP26, CP27)

- 3.3.1 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.

- 3.3.2 This will be achieved through the provision of on-site infrastructure and through S106 contributions from developers. 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 off-site shared mobility and active travel schemes in the locality.

- 3.3.3 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.

- 3.3.4 The on-site S106 contributions will be required at commencement of development to fund off-site shared mobility, including the supply of E car club vehicles, E bikes and E cargo bikes for the hire schemes. 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 District Council can spend the contribution on shared mobility



schemes and active travel schemes in the vicinity of the site.

### **3.4 Essex Coast Recreational Disturbance Avoidance & Mitigation Strategy (RAMS) (CP38)**

3.4.1 The District Council has adopted the Essex Coast RAMS Supplementary Planning Document<sup>13</sup>, prepared in 2020 (with an update expected in 2026/27). This focusses 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 or hospitality development.

3.4.2 Although Uttlesford is not coastal, research has shown that some residents from the district, who live within the zone of influence (ZoI) for the Essex Coast RAMS, are likely to travel to the coast for recreational purposes. Parts of the parishes of Barnston, Felsted, High Easter and Stebbing are within this zone. All development within the ZoI, where there is a net increase in homes, is

required to make a contribution to the Essex Coast RAMS.

3.4.3 The Essex Coast RAMS identifies a detailed programme of strategic mitigation measures that are to be funded by developer contributions from residential and hospitality development schemes. This 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.

### **3.5 Hatfield Forest Strategic Access Management and Monitoring (SAMM) (CP38)**

3.5.1 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 strategy outlining a package of on-site Site Access Management and Monitoring to protect and restore the condition of Hatfield Forest. The mitigation strategy sets

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13. See the Council's web page on the Essex Coast RAMS: <https://www.uttlesford.gov.uk/article/10164/Essex-Coast-Recreational-disturbance-Avoidance-and-Mitigation-Strategy>



out a range of costed measures which relate to four key areas:

- Access management and infrastructure;
- Ride and path mitigation;
- Human resources; and
- Monitoring.

3.5.2 The mitigation strategy identifies the Zone of Influence for the SAMM measures which covers a significant proportion of south Uttlesford. All development within the Zol, where there is a net increase in homes, is required to make a contribution to the Hatfield Forest SAMM to mitigate the recreational impact. The current tariff is available in the District Council’s website.

3.5.3 Applications for development within the Zone of Influence for the Hatfield Forest SAMM 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 in line with criteria set out by Natural England. This Suitable Alternative Natural Greenspace (SANG) is in addition to open space requirements as part of the development. This is designed to provide an alternative source of outdoor space to Hatfield Forest and is therefore part of

the remediation measures. Contributions towards or provision of the SANG will be required by S106 and in accordance with Local Plan policy CP15.

### 3.6 Green and Blue Infrastructure (CP39)

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

3.6.2 Core Policy 39 of the ULP 2021-2041 sets out the criteria which major development will need to address. The precise amount of provision will be negotiated on a site-by-site basis. Provision of Green and Blue Infrastructure (GBI) should include stewardship arrangements for not less than 30 years. This is to cover maintenance, management and funding arrangements: the latter could include an endowment sum, which should be provided for the maintenance of the GBI and/or a revenue contribution depending in the nature of the proposed GBI element.



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

3.6.4 A number of strategic projects have been identified through the Uttlesford Local Plan 2021-20241 process. Once a costed programme has been agreed, developers will be required to make an appropriate contribution to its implementation. These strategic projects include but are not limited to:

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

### 3.7 Biodiversity (CP40)

3.7.1 In accordance with Core Policy 40 of the ULP 2021-2041, development proposals <sup>14</sup> should meet the BNG

(Biodiversity Net Gain) requirements and should demonstrate a minimum of 20%, calculated using the Statutory Metric.

3.7.2 All proposals for Green and Blue Infrastructure should align with the relevant biodiversity requirements of the ULP 2021-2041 policies CP9, CP13, CP15, CP39 and CP40 and the District Council’s Green and Blue Infrastructure Strategy<sup>15</sup>. In addition, the Essex Local Nature Recovery Strategy (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 relate to the following habitat priorities within Uttlesford:

- Trees and woodland;
- Grasslands and meadows;
- Scrub and mosaic habitats;
- Hedgerows;
- Farmland;
- Urban;
- Freshwater and wetlands; and
- Geology and soils.

14. Unless exempt from the statutory Biodiversity Net Gain Requirements

15. See the Council’s Local Plan evidence base, which includes the Green and Blue Infrastructure Strategy: <https://www.uttlesford.gov.uk/article/10144/Local-Plan-2021-2041-Evidence-Base#inf>



3.7.3 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 and enhance meeting BNG targets.

### 3.8 Affordable Housing (CP56)

3.8.1 Annex 2 of the NPPF 2024 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.”*

3.8.2 UDC’s local housing needs assessment (2024) confirms that the district has an affordability ratio of 12.18<sup>16</sup>. The

District Council is committed to taking all opportunities to deliver high quality affordable housing. Core Policy 56 of the ULP 2021-2041 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.

3.8.3 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 2024.

3.8.4 As set out in Core Policy 56, affordable dwellings should be delivered on-site. However, in exceptional

16. These figures are based on the ratio between median house prices and full-time earnings.



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. Any affordable housing payment in lieu will be calculated to recognise the full financial uplift achieved by selling the required affordable units on the open market.

3.8.5 Where questions of viability remain by the time a planning application is submitted, the developer will be required to submit a PPG compliant viability assessment. The District Council will seek an independent audit of that assessment as part of the consideration of the planning application. The District Council will normally subject such assessments to independent review, the reasonable costs of which will be met by the applicant. Where affordable housing provision is reduced on viability grounds, the District Council will normally require the inclusion of viability review mechanisms secured through a Section 106 agreement. For larger, phased or long-term schemes, this may include a mid-stage review, triggered at an agreed point during build-out, to reassess viability having regard to updated costs, values and market conditions. In addition, a late-stage review will

normally be required, triggered towards completion and informed by actual costs and achieved sales values. These review mechanisms ensure that any improvement in viability over the lifetime of the development is appropriately captured and contributes to the delivery of additional affordable housing in accordance with Core Policy 56. Where a surplus is identified, this will normally be secured through a financial contribution towards affordable housing provision, or exceptionally through the delivery of additional on-site affordable housing where this is practical and agreed.

3.8.6 A S106 agreement should be put in place to 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 have the discretion to seek a higher minimum discount of either 40% or 50% if they can demonstrate a need for this. In accordance with the Written Ministerial Statement of 24 May 2021, Neighbourhood Planning Groups are able to set lower price caps through their plan-making process if they can demonstrate a need for this. Through the Neighbourhood



Plan-making process, they can also set an evidenced lower price cap.

### 3.9 Public Art (DP9)

3.9.1 The District Council encourages publicly accessible works of art within new developments, landscapes or townscapes. The District Council recognises the benefits of art, for both communities and individuals, and is committed to the investment in the public arts, in all forms, across the district.

3.9.2 In the context of Local Plan Policy DP9, ‘Public Art’ refers to a broad range of activities, objects, artefacts and programmes that are of artistic quality, are publicly accessible and engage local residents and community groups in project processes and/or outputs. This could include, but is not limited to:

- painting, sculpture, ceramic, prints, mixed media and artist-in-residence schemes;
- landscape design, tree planting and mazes;
- brickwork, terracotta and patterned tiling or slates;
- doors, gates, engraved and stained glass;
- lighting, metalwork, tapestries and carpets;

- wood and stone letter carving, banners and original graphics;
- seating, bollards, railings, clocks and boundary features; and
- live performances, both indoors, as temporary ‘pop-ups’ or as outdoor events.

3.9.3 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. The District Council considers the guidelines in **Table 2** to represent a fair and reasonable level of investment, subject to site-specific viability and design considerations.

- It may be appropriate for the developer to deliver on-site public art as part of a landscaping scheme or planning obligation, based on proposals developed in collaboration with the local community and/or the relevant Parish or Town Council. Strategic developments of 100 or more dwellings will normally be expected to consider the delivery of public art projects on or closely associated with the site.



- It may be appropriate for the developer to pay a S106 contribution towards off-site public art in the locality of the development. The District Council will oversee applications from interested local community groups or relevant Parish or Town Councils which wish to apply for a public art project from the section 106 contribution.

3.9.4 Whichever approach is taken, the public art proposals will be subject to similar scrutiny and approval processes in order to deliver suitable, quality public art which represents an effective and appropriate use of S106 funding.

3.9.5 Regardless of whether the developer delivers the public art on-site or pays a S106 contribution for off-site public art, the value of the investment in public art is expected to be the same. This will depend on the scale and type of development, as follows:

*Table 2: Indicative Public Art Development Contributions*

Development Type	Size	Contribution
Strategic residential developments	100 or more dwellings	1 % total project construction cost <sup>17</sup>
Major residential development	50 - 99 dwellings	0.5 % total project construction cost
Major residential development	10 - 49 dwellings	0.1 % total project construction cost
Commercial development	5,000+ m <sup>2</sup> gross internal area (GIA)	0.5 % total project construction cost
Commercial development	1,000m <sup>2</sup> – 4,999 m <sup>2</sup> gross internal area (GIA)	0.1 % total project construction cost

3.9.6 Further details of the District Council’s approach to commissioning public art projects, monitoring project progress and outcomes will be included in a Public Arts Strategy Guidance Note that the Council aims to make available by winter 2026/27.

17. as defined by RICS New Rules of Measurement (NRM1), excluding land acquisition, finance, marketing and developer profit, unless otherwise agreed.



**3.10 Self-Build & Custom-Build Housing (CP58)**

3.10.1 In accordance with Core Policy 58 of the ULP 2021-2041, 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 demonstrates a demand for self-build and/or custom-build homes at the point at which the application is being determined. Self-build and custom-build plots should be secured via S106 agreement and comply with the criteria set out in parts viii–xi of Core Policy 58.

**3.11 Heritage and Landscape / Townscape (CP61)**

3.11.1 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 2024, Core Policy 61 of the ULP 2021-2041 reflects the requirements of the NPPF to protect heritage assets within Uttlesford.

3.11.2 Assets include areas and buildings with statutory designated protection (e.g., listed buildings, scheduled monuments, registered parks and gardens) and also

those which are locally valued and important, as well as the landscape and townscape components of the historic environment.

3.11.3 Developer contributions may be sought to mitigate any direct impact of development on heritage assets. Otherwise impacts on the setting are expected to be managed via detailed design, layout and/or planning conditions.

**3.12 Open Space, Sports and Recreation (CP67, CP67a)**

3.12.1 Local Plan Core Policy 67 requires new development to meet the minimum standards set out in Appendix 17 of the ULP 2021-2041<sup>18</sup> and to be provided on site, wherever possible.

3.12.2 In determining the nature of new or improved sports and recreation provision, the District Council will be guided by the most up to date evidence, including the latest UDC strategies for Open Space, Indoor and Built Sport Facilities, and Playing Pitch and Outdoor Sports Strategy,

18. Find the Uttlesford Local Plan Appendices online: <https://www.uttlesford.gov.uk/local-plan>



as well as Sport England's Playing Pitch and Sport Facilities Calculators.

3.12.3 Where proposals cannot provide sports and recreation 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 Sport Facility Facilities Calculators as a starting point.

3.12.4 For the ongoing management of public open space, and in accordance with ULP 2021-2041 Core Policy 67a, the District Council's preferred 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.



## 4.0 Planning Obligations: Other Organisations

### 4.1 Overview of Other Infrastructure Providers

- 4.1.1 Uttlesford District Council currently operates within a two-tier local government system, although this will be altered under the local government reorganisation planned to take effect in 2028. Essex County Council has a statutory role as: Highway and Transportation Authority, including responsibility for the development and delivery of the Essex Local Transport Plan; lead authority for Education including Early Years and Childcare, Special Education Needs and Disabilities, and Post 16 education; Minerals and Waste Planning Authority (MWPA); Waste Disposal Authority (WDA); Lead Local Flood Authority (LLFA); lead advisor on public health; and responsibilities for providing and delivering specialist and supported housing needs (adult social care, children and others); and the Responsible Authority for the Essex Local Nature Recovery Strategy.
- 4.1.2 Table 3 on the next page sets out the planning obligations and developer contributions from other organisations (including Essex County Council) that may be required

from new developments in Uttlesford to mitigate their impact. This is not intended as an exhaustive list. Other obligations and contributions may be sought from these and other organisations depending on the size, type and location of proposed development.

- 4.1.3 Paragraphs 2.9.1-2.9.3 highlight the use of S278 agreements between developers and the Highway Authority (to make permanent alterations or improvements to a public highway) and S38 agreements (to construct a highway and then offer it to the Highway Authority for adoption).



Table 3: Other Organisations Infrastructure Functions

Organisation	Infrastructure Types
<p style="text-align: center;"><b>Essex County Council</b></p>	<p>Early years and childcare                      Education – Primary                      Education – Secondary                      Education – Special Needs                      Education – Post 16                      School transport                      Employment and Skills Plans                      Highways and transportation                      Sustainable Travel Planning                      Passenger Transport                      Public Rights of Way                      Waste Management                      Libraries                      Flood and Water Management                      Monitoring Costs</p>
<p style="text-align: center;"><b>Essex Climate Action Commission (Essex Local Nature Partnership)</b></p>	<p>Nature and environmental enhancement</p>
<p style="text-align: center;"><b>NHS Greater Essex Integrated Care Board and NHS Provider Trusts</b></p>	<p>Health care services</p>
<p style="text-align: center;"><b>Essex Police</b></p>	<p>Policing infrastructure</p>
<p style="text-align: center;"><b>Essex County Fire and Rescue</b></p>	<p>Firefighting infrastructure</p>
<p style="text-align: center;"><b>East of England Ambulance Service Trust (EEAST)</b></p>	<p>Ambulance service infrastructure</p>



## 5.0 Processes and Administration

### 5.1 S106 Agreements and Unilateral Undertakings

5.1.1 Section 5 focuses primarily on S106 agreements for major developments. This includes:

- negotiating S106 agreements as part of the planning process and finalising their contents; and
- 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).

5.1.2 That said, Sections 5.3 and 5.4 relate to both S106 agreements and unilateral undertakings in setting out the District Council's approach to:

- managing payments of financial contributions from developers as they become due for payment and applying indexation, as appropriate; and
- monitoring compliance with planning obligations and the effective use of developer contributions.

### 5.2 S106 Negotiations and the Planning Process

#### *Pre-application process*

5.2.1 Applicants for major developments are encouraged to begin pre-application discussions with the District Council and with relevant parish or town councils, as soon as possible. UDC offers a paid pre-application advice service, details of which are available on its website <sup>19</sup> . Pre-application discussions offer the opportunity for UDC<sup>20</sup> to clarify planning policies and material considerations which will be relevant to

19. For details about pre-application advice, see: <https://www.uttlesford.gov.uk/planning-pre-application-advice>

20. Essex County Council also offer pre application advice with arrangements set out on their website: <https://www.essex.gov.uk/planning-land-and-recycling/planning-and-development/minerals-waste-and-county-council-planning/pre>



determining a planning application, including the type and level of developer contributions.

5.2.2 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 (LPA) 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 Council officers and appointed specialists, if necessary; engagement with the town or parish council and a presentation to councillors.

5.2.3 A PPA will cover various matters associated with development proposals as appropriate, including S106 agreement negotiations, but not legal and monitoring fees. It is a useful mechanism for considering what the S106 Agreement needs to include (or the UU should offer if the developer chooses that route) and will consider the

CIL Regulations. Entering a PPA does not 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.

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

*Planning application submission*

5.2.5 Once a planning application has been submitted to the District Council and validated, a case officer will be appointed. For developments where a S106 agreement is needed, 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 S106 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.



5.2.6 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 District Council if it considers earlier or higher payment or earlier on-site delivery is necessary.

*Planning application determination*

5.2.7 Major Applications (as defined by the Town and Country Planning (Development Management Procedures) (England) Order 2015) will be approved by Planning Committee. For developments where a S106 agreement is needed, Heads of Terms and their justification in accordance with the CIL Regulations 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 S106 agreement. If a UU has been submitted, it will similarly be assessed against the CIL Regulations in the committee report.

5.2.8 An obligation, whether set out in an S106 agreement or a UU, can only be a material planning consideration if it meets the CIL Regulations. 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.

5.2.9 When a planning application has been resolved to be granted subject to a S106 agreement, the Council will send formal instructions to its solicitor with all relevant information to be provided by the developer.

**5.3 Payments and indexation**

*Timings and triggers for action or payment*

5.3.1 The S106 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.

*Index-linking of payments*

5.3.2 Unless otherwise agreed, all payments of developer contributions (including monitoring fees) to UDC will be index-linked using the Retail Prices Index. Indexation will



be calculated from the date of the agreement to the date when the contribution becomes payable.

available in the Council's annual Infrastructure Funding Statement.

*Payment of the District Council's legal fees*

5.3.3 In the case of S106 agreements, the applicant will pay the Council's legal fees which are as per the solicitors' guideline hourly rates set out on GOV.UK<sup>21</sup>.

*Fees for Monitoring Planning Obligations*

5.4.2 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 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.

**5.4 Planning Obligations Monitoring**

5.4.1 The District Council is responsible for logging all planning obligations and associated trigger points on the District Council's planning obligations database, which will be publicly accessible on a read-only basis. Officers 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 relevant third party, as appropriate, and are spent in accordance with the CIL Regulations. Officers will also check that the transfer of land and/or buildings to third parties takes place on time, and any agreed contributions are paid, such as for future maintenance. A summary of money held and spent is

5.4.3 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:

21. See Government guidance on solicitors' hourly rates: <https://www.gov.uk/guidance/solicitors-guideline-hourly-rates>



- 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).

5.4.4 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.

5.4.5 Most S106 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.



## Appendix A: List of abbreviations

Abbreviation	Meaning
BNG	Biodiversity Net Gain
CIL	Community Infrastructure Levy
CP	Core Policy
DP	Development Policy
ECC	Essex County Council
EEAST	East of England Ambulance Service Trust
GBI	Green and Blue Infrastructure
GIA	Gross internal area
ICB	Integrated Care Board
IDP	Infrastructure Delivery Plan
IFS	Infrastructure Funding Statement
S38	Section 38 (of the Highways Act 1980)
SAMM	(Hatfield Forest) Strategic Access Management and Monitoring Measures



Abbreviation	Meaning
SANG	Suitable Alternative Natural Greenspace
SPD	Supplementary Planning Document
TCPA	Town and Country Planning Act 1990
m <sup>2</sup>	Square metre
MWPA	Minerals and Waste Planning Authority
LNRS	(Essex) Local Nature Recovery Scheme
LPA	Local Planning Authority
NPPF	National Planning Policy Framework
PPA	Planning Performance Agreement
PPG	Planning Practice Guidance
RAMS	(East Coast) Recreational disturbance Avoidance and Mitigation Strategy
RP	Registered Provider
S106	Section 106 (of the Town and Country Planning Act 1990)
S278	Section 278 (of the Highways Act 1980)

