

**Committee:** Cabinet

**Date:** Thursday, 16  
March 2023

**Title:** Developer Contributions supplementary  
planning document (SPD) for Adoption

**Portfolio  
Holder:** Cllr John Evans, Cabinet Member for Planning,  
Infrastructure and Stansted Airport

**Report  
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**Key decision:** No

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## Summary

1. This report recommends that the Developer Contributions guidance be adopted as a formal supplementary planning document (SPD) and will then form part of the development plan for the district of Uttlesford.

## Recommendations

2. That Cabinet approve the Developer Contributions SPD for adoption.

## Financial Implications

3. Within existing local plan budget.

## Background Papers

4. None

## Impact

Communication / Consultation	A seven week consultation period was carried out between 17 November 2022 and Friday 6 January 2023 (an extended period to allow for the Christmas and new year break).
Community safety	The document supports the provision of community facilities which have the potential to contribute to community safety positively.
Equalities	The SPD sets out how policy contained within the 2005 local plan will be implemented. The local plan was subject to equalities assessment and the SPD draws on the assessment carried out for

	the local plan and does not itself require EqIA.
Health & Safety	The document supports the provision of community facilities which have the potential to contribute positively to health and well-being.
Human Rights / Legal	These are planning tools that can be used to secure financial and non-financial contributions, or other works, to provide infrastructure to support development or to mitigate the impact of development. Developer contributions should be used appropriately and effectively and to achieve this they should be considered throughout the planning cycle.
Sustainability	SPDs do not require a sustainability appraisal. Strategic environmental assessment may be required if significant environmental effects are likely to occur that have not already been assessed during the preparation of the relevant strategic policies. Due to the nature of this SPD, this has not been identified in this case.
Ward-specific Impacts	Covers all wards. Positive impact in terms of contributing to local infrastructure.
Workforce / Workplace	None.

## Situation

5. An SPD is a non-statutory planning document that can form part of a development plan. SPDs provide detailed guidance on how development plan policies will be implemented or applied. In this case, the SPD concerns developer contributions (s106 contributions) and provides guidance with respect to the adopted 2005 local plan.
6. The production of the SPD forms part of the s106 agreement implementation pathway, which is part of the Planning Service Implementation Plan. The document sets out the procedures that the Council will follow in negotiating s106 agreements and summarises the evidence base for calculating individual contributions. The draft document is attached as **appendix 1** to this report.

7. The draft document received agreement from Cabinet to be put out to public consultation at the cabinet meeting of 29 March 2022. A seven-week consultation period took place from 17 November 2022 to Friday 6 January 2023. A period in excess of the six weeks required by statute was considered appropriate owing to the Christmas period.
8. Copies of the document were placed in Saffron Walden and Dunmow libraries. Approximately 8,000 emails were sent to stakeholders, including parish councils. Notification was also placed on the council's website.
9. Thirty-four representations were made, including representations from teams, officers and a councillor at UDC. Members of the public, developers, a neighbouring council, the county council and other statutory bodies made representations. These are all included within **appendix 2** and have been reviewed and in some cases warranted minor amendments to the document.
10. Key amendments made to the document following consultation include:
  - The document no longer states that a unilateral undertaking (s106) is required at planning application validation stage – s106s can be negotiated during the course of the application.
  - It focusses on contributions required for residential development and removes reference to commercial.
  - Detailed considerations have been amended to better reflect a wider range of topics including early years and specialist educational needs, specialist housing, green infrastructure and heritage and landscape/ townscape.
11. Once adopted, the document would require review following the adoption of a new local plan.

## Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
That the adopted plan is successfully challenged by way of judicial review.	1	4	The document is based on best evidence and the process has been carried out in accordance with statutory procedures.

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**

Appendix 1 – the Developer Contributions SPD

Appendix 2 – List of representations and subsequent amendments