

Committee: Full Council

Date: Tuesday,

Title: Adoption of CIL Charging Schedule

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Summary

1. In March 2025, Cabinet agreed that work could begin on preparing a Community Infrastructure Levy (CIL) Charging Schedule for Uttlesford, setting different rates for different types of development. CIL is a charge that local planning authorities can apply to new development. The money raised helps fund infrastructure needed to support growth, such as transport, schools, open spaces and other community facilities. It operates alongside Section 106 agreements, which continue to secure site-specific mitigation.
2. In February 2026, Cabinet noted the consultation responses and proposed modifications to the draft Charging Schedule, and delegated authority to progress the remaining procedural steps, including examination. The draft Charging Schedule has now been examined independently by Intelligent Plans & Examinations (IPE).
3. This report sets out the outcome of the examination and asks Members to adopt and publish the CIL Charging Schedule under Regulation 25 of the Community Infrastructure Levy Regulations 2010 (as amended).
4. The Council received the Examiner's report on 16 June 2026. The Examiner concluded that the draft Charging Schedule meets the required tests and can be approved, subject to three modifications: reducing the proposed CIL rates for residential development on greenfield sites by 25%; reducing the proposed CIL rates for residential development on brownfield sites by 25%; and reducing the proposed CIL rate for employment and business uses on greenfield sites to £0. These are on viability grounds.
5. If Council agrees the recommendations in this report, the CIL Charging Schedule can be adopted on 14 July 2026 and brought into effect on 7 September 2026. This allows time to put the necessary administrative and financial systems in place before implementation.
6. Once CIL takes effect, Uttlesford District Council will be the charging authority and will be responsible for deciding how CIL funds are allocated and spent. Detailed governance proposals will come to Cabinet for approval this autumn before any CIL funds are allocated or spent.

7. Following Local Government Reorganisation, 'West Essex Unitary Council' will become the charging authority. It is assumed that CIL funds collected through the Uttlesford Charging Schedule will continue to be allocated and spent in a way that benefits residents and businesses within the Uttlesford Local Plan area. Recommendation 'e' below seeks to deal with this matter.

Recommendations

8. That Council:
 - a) Notes the Examiner's Final Report at [Annexe 1](#), including the proposed modifications to the draft CIL Charging Schedule.
 - b) Adopts and publishes the Community Infrastructure Levy Charging Schedule and Instalments Policy for the Uttlesford Local Plan area at [Annexe 2](#), as modified in response to the Examiner's recommendations.
 - c) Agrees that the Charging Schedule will take effect from 7 September 2026.
 - d) Delegates authority to the Strategic Director of Planning, in consultation with the Cabinet Member for Planning, to make any necessary minor wording, formatting or grammatical changes to the Charging Schedule or Instalments Policy before the date it takes effect.
 - e) Instructs the Chief Executive and Strategic Director of Planning, in collaboration with the Section 151 Officer, to actively engage with the West Essex Local Government Reorganisation (LGR) process, ensuring that appropriate geographic ring-fencing protections are formally embedded within the LGR transition protocols, financial asset transfer registers, and future shadow executive governance arrangements.

Financial Implications

9. CIL will operate alongside Section 106 obligations and provide an additional source of infrastructure funding. Before the Examiner's recommended modifications, the initial, indicative CIL income estimate was just over £38 million over the plan period. The Examiner's recommended reductions to the residential rates, together with the removal of the greenfield employment and business rate, reduce the current estimate to approximately £24.5 million. The actual level of CIL income will depend on the amount, type and timing of development that comes forward, as well as dwelling size, housing mix, tenure and affordable housing provision and thus an accurate overall figure cannot be given. The revised estimate reflects the Charging Schedule (Annexe 2) recommended by the Examiner as legally capable of adoption. There is no straightforward mechanism for the Council to challenge the Examiner's report simply because the recommended modifications reduce the potential income; any legal challenge would need to be by way of judicial review and would require clear public law grounds, rather than disagreement with the Examiner's professional judgement.
10. Planning permissions *granted* after the Charging Schedule takes effect will be CIL liable. CIL payments are normally received by councils when development

starts, which may be up to three years after planning permission is granted and will vary by site size and development type. This means CIL income will build up gradually rather than being available immediately.

11. If Council does not adopt CIL, it will not be able to collect CIL receipts from development covered by the Charging Schedule. This would reduce the funding available to help address the cumulative infrastructure impacts of growth in the district and would place greater reliance on Section 106 agreements, which are limited to site-specific mitigation and cannot address wider strategic infrastructure needs identified in the Infrastructure Delivery Plan.
12. Essex County Council (ECC) provided £60,000 in grant funding to support preparation of the draft levy for examination, including viability evidence and consultancy support. Under the agreement, an equivalent amount of CIL funding will be spent on infrastructure projects in the Uttlesford area but first agreed with ECC. The agreement remains in place for five years after adoption. Any outstanding amount after that period will be written off.
13. As charging authority, the Council may use up to 5% of CIL income each year to cover administration costs. As CIL income builds up, this funding will support the resources needed to operate CIL, including updates to the Exacom planning software and staffing capacity, such as a part-time CIL officer post if needed. Before sufficient CIL income is available, implementation costs will need to be met from existing approved budgets (this has been budgeted for).
14. Future governance and financial arrangements, including any arrangements put in place through Local Government Reorganisation, should ensure that CIL receipts collected under the Uttlesford Charging Schedule continue to be identified, monitored and prioritised for infrastructure supporting development in the Uttlesford Local Plan area.

Background Papers

15. The following papers were referred to in the preparation of this report and are available for inspection
 - a) National Planning Practice Guidance: [Community Infrastructure Levy – GOV.UK](#)
 - b) [Cabinet Report March 2025](#)
 - c) [Cabinet Report September 2025](#)
 - d) [Cabinet Report February 2026](#)
 - e) [Uttlesford CIL Equalities & Health Impact Assessment \(EqHIA\), June 2026](#)
 - f) [CIL consultation statement](#)
 - g) [CIL examination evidence](#)

Impact

16.	Communication/ Consultation	<p>The CIL Charging Schedule was developed through a thorough process of public consultation and independent checks, in line with the Community Infrastructure Levy Regulations 2010 (as amended).</p> <p>The process followed three clear stages:</p> <ul style="list-style-type: none"> • First Consultation (Sept–Oct 2025): We published the initial draft for public feedback under Regulation 16, which is the national standard for starting the CIL adoption process. • Second Consultation (March–April 2026): After reviewing the first round of feedback, we made several changes. We then ran a second consultation to stay transparent and ensure the community could comment on these updates before they were finalized. • Independent Examination: After these local consultation windows closed, we sent the schedule to an independent Examiner. The Examiner has now issued a final report confirming that our process met all legal and regulatory requirements. No further consultation was needed during or after the examination stage, and the schedule is now ready for adoption.
	Community Safety	No direct impact
	Equalities	<p>An Equality and Health Impact Assessment (EqHIA) has been prepared and is included as a background document to this report. The assessment concludes that the CIL Charging Schedule will have a neutral to positive impact on equality and health outcomes. While CIL receipts will accumulate over time in line with development delivery, the assessment confirms that the schedule does not disproportionately affect any protected groups or health outcomes. Consequently, no significant equality or health concerns have been identified.</p>
	Health and Safety	No direct impact
	Human Rights/ Legal Implications	<p>The Community Infrastructure Levy (CIL) Charging Schedule has been prepared and progressed in strict accordance with Part 11 of the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended).</p> <p>The statutory publication and public consultation carried out between September and October 2025</p>

	<p>satisfied all procedural requirements under Regulation 16. The subsequent, proactive consultation held between March and April 2026 ensured complete transparency regarding the Council's amendments before the scheme was submitted for independent scrutiny. The receipt of the Examiner's Final Report confirms that the schedule successfully meets all statutory and legal tests, providing a fully compliant basis for formal adoption.</p> <p>Following Local Government Reorganisation (LGR), national transitional regulations ensure that this Charging Schedule will legally remain in force within the legacy Uttlesford boundaries until formally replaced by the successor authority. Under Regulation 59(1), CIL receipts must be spent to support the development of the area in which they were charged.</p> <p>Officers have considered whether there is any realistic basis to challenge the Examiner's conclusions. A legal challenge would only be available on public law grounds, such as procedural unfairness, error of law, irrationality or failure to take relevant considerations into account. It would not be sufficient simply to disagree with the Examiner's professional judgement on viability or the appropriate level of CIL rates.</p>
Sustainability	<p>The adoption of the CIL Charging Schedule provides a new mechanism to support the sustainable development and climate action objectives embedded within the Uttlesford Local Plan (2021–2041). Unlike traditional, site-specific Section 106 agreements, CIL creates a flexible framework where developer contributions can be pooled. This gives the Council the future capability to fund strategic, large-scale infrastructure that drives long-term environmental sustainability.</p> <p>While the exact spending priorities have yet to be determined, the CIL framework is designed so that funds can be directed toward critical environmental infrastructure. This includes the potential to support active travel networks (such as walking and cycling routes) to reduce car dependency, as well as green infrastructure, flood mitigation, and biodiversity enhancements.</p>
Ward-specific impacts	<p>As set out in the adopted CIL Charging Schedule, all wards within the Uttlesford Local Plan area will be CIL liable. Any qualifying development across the district will contribute to the fund, ensuring that the</p>

	<p>infrastructure impacts of growth are financially accounted for regardless of where the development takes place.</p> <p>A core benefit to individual wards is the statutory local apportionment mechanism. In accordance with Regulation 59A of the Community Infrastructure Levy Regulations 2010 (as amended), a fixed percentage of the CIL revenue generated within a specific parish or town council area must be passed directly to that local community.</p> <p>This local apportionment is divided into two distinct tiers:</p> <ul style="list-style-type: none"> • Wards with an Adopted Neighbourhood Plan: Parish and town councils with an adopted (made) Neighbourhood Plan will directly receive 25% of the CIL receipts generated by developments in their area, uncapped. This is regardless of the age of the Neighbourhood Plan. • Wards without a Neighbourhood Plan: Parish and town councils without an active Neighbourhood Plan will receive 15% of the CIL receipts generated in their area, capped at a maximum statutory limit per existing council tax dwelling per financial year. In areas without a parish council, the Council holds the neighbourhood portion in a localised account and will work directly with residents to choose local projects.
Workforce/ Workplace	<p>The ongoing resource required to administer the levy is currently funded through existing budgets as agreed by Council. Moving forward, the service will become self-sustaining; under Regulation 61 of the CIL Regulations 2010 (as amended), the Council is permitted to use up to 5% of total CIL receipts to fund the ongoing expenses of clawing back administrative, enforcement, and implementation costs.</p>

Situation

Introduction – What is CIL and why do we need it?

17. The Community Infrastructure Levy (CIL) is a non-negotiable charge that local authorities can levy on new development based on the size and type of the building. It is charged on a per-square-metre basis for any development that creates a single dwelling or adds 100 square metres or more of net new floor space. By law, certain types of development are exempt from CIL, including

affordable housing, self-build homes, residential extensions, annexes, and charitable developments.

18. CIL introduces a vital funding stream to deliver local infrastructure across the district, a mechanism that will continue under the new Local Plan and following local government reorganisation. The progression of the CIL Charging Schedule directly follows the adoption of the Uttlesford Local Plan 2021–2041. To support the plan, the Infrastructure Delivery Plan (IDP) outlines key projects required across the district and identifies a £211 million infrastructure funding gap. CIL will partially bridge this deficit, working alongside other funding sources like national grants and site-specific Section 106 agreements.
19. Once CIL is adopted, the Council must clearly state which infrastructure items will be funded through CIL and which will be secured via site-specific Section 106 (S106) agreements. This ensures transparency and prevents developers from being charged twice for the same infrastructure project.
20. S106 agreements will continue to be used for essential, localised works required to make a specific development acceptable in planning terms. By contrast, CIL functions as a general fund to address the cumulative impact of growth across the wider district. It allows the Council to secure infrastructure contributions from smaller developments where an S106 agreement would not normally be viable.

How the schedule was prepared and consulted on

21. In September 2025, Cabinet approved the draft CIL schedule for public consultation under Regulation 16 of the CIL Regulations. This formal public consultation ran from 15 September to 27 October 2025. Following feedback, a series of changes were drafted and noted by Cabinet in February 2026. Cabinet then authorised the Strategic Director of Planning, in consultation with the Cabinet Member for Planning, to manage the remaining steps toward adoption, including the independent examination.
22. Before the examination began, the Council grouped these initial changes into a 'Statement of Modifications' (listed in document CIL03). Because these updates did not alter the substance of the draft, they were fully integrated into the version sent to the Examiner.

The Independent Public Examination

23. Intelligent Plans & Examination (IPE) was appointed to examine the schedule, which was formally submitted in March 2026. On 13 March 2026, a four-week public consultation was carried out on the Statement of Modifications, which also allowed participants to request to speak at the examination hearings.
24. As part of the process, a virtual hearing session took place on 20 May 2026. Because no third-party participants attended, the Inspector closed the session without debate.
25. The Council received the Examiner's Final Report on 11 June 2026, marking the close of the examination. The Inspector concluded that the Charging

Schedule complies with all legal regulations and is capable of adoption, subject to three modifications.

26. The Examiner's recommended modifications, which took account of all consultation responses, are:
- Reduce the proposed CIL rates for residential development on greenfield by 25%.
 - Reduce the proposed CIL rates for residential development on brownfield by 25%.
 - Reduce the proposed CIL rate for employment and business uses on greenfield sites to £0.
27. The Examiner confirmed that these changes do not alter the Council's overall approach or undermine the economic viability of development. These modifications have been fully integrated into the final Charging Schedule (Annexe 2). Given these positive findings, it is recommended that Council proceeds with formal adoption. The alternative is to withdraw the Charging Schedule and start work on a new CIL.

How implementation, collection, and spending will work

28. The requirement to pay CIL is triggered when development begins on-site. Planning applicants must submit a 'CIL Information and Liability Form' so the Council can calculate the charge and issue a formal 'CIL Demand Notice' before works start.
29. CIL is calculated on the Gross Internal Area (GIA) of a development using the following standard statutory formula:

$$\text{CIL Payable} = A \times R \times \frac{I_p}{I_c}$$

- A = Gross Internal Area (GIA) (sqm)
- R = CIL Chargeable rate (£/sqm)
- I_p = The [index figure](#)¹ for the year that planning permission has been granted
- I_c = The [index figure](#) for the year that the CIL Charging Schedule has been adopted

30. Uttlesford District Council, and the successor unitary authority, will act as the statutory 'charging authority' responsible for collecting and distributing CIL

1. The index figure is used to adjust CIL charges over time so they keep pace with changes in construction costs. It is produced by the Building Cost Information Service (BCIS) and reflects the consumer price index (CPI)

funds. Under Regulation 61, the Council can retain up to 5% of total receipts to cover administrative, software, and staffing costs.

31. From the remaining funds, a portion is passed directly to local communities as the statutory Neighbourhood Proportion:
 - Parishes with an adopted Neighbourhood Plan: Directly receive 25% of the CIL funds generated by developments in their area, with no financial cap.
 - Parishes without a Neighbourhood Plan: Receive 15% of the CIL funds generated in their area, capped at a statutory limit of £100 per existing council tax home in that respective parish per year.
 - Areas without a parish council: In Chickney, Lindsell, Strethall, and Wicken Bonhunt, the Council holds the neighbourhood portion in a localised account and will work directly with residents to choose local projects.
32. After administrative costs and neighbourhood allocations are deducted, the remaining strategic fund will be distributed to infrastructure providers. Regulations allow these funds to be used to build new infrastructure, increase the capacity of existing facilities, or repair failing infrastructure, provided it supports growth. All CIL income and expenditures will be published annually in the Council's Infrastructure Funding Statement (IFS).
33. Detailed governance options for prioritizing and allocating the strategic portion of CIL funds will be brought to Cabinet for approval before any money is spent. These frameworks will ensure spending aligns with the Infrastructure Delivery Plan, corporate priorities, and statutory regulations.
34. When Uttlesford District Council transitions into the new unitary council, the Uttlesford CIL charge will legally remain in effect for our geographic area. To protect local interests, the recommendations in this report instruct executive officers to secure formal transition agreements ensuring all CIL revenues generated within our boundaries remain strictly ring-fenced and prioritized for infrastructure projects that directly benefit the residents and businesses of the Uttlesford Local Plan area.

Annexes

35. The annexes attached to this report are:
 - [Annexe 1: IPE Examiners Report](#)
 - [Annexe 2: Final CIL Charging Schedule](#)

Risk Analysis

36. The following risks have been identified:

Risk	Likelihood	Impact	Mitigating actions
Legal challenge on the implementation of CIL Charging Schedule	1 – Risk is low provided that all statutory procedures have been correctly followed and the Charging Schedule fully reflects the Examiner’s recommendations.	Legal challenge would delay the implementation of CIL and will have implications for the funding of projects identified in the area.	Team and specialists in place and tried/tested methods used for CIL preparation.
Failure to adopt the CIL Charging Schedule	1 – Low as the rates have been found compliant with the CIL regulations	4 - This would reduce the funding available to help mitigate the cumulative infrastructure impacts of growth across the district	Members have been provided with this report and all relevant documentation related to CIL.

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.