

CABINET

23 SEPTEMBER 2025

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT – DRAFT FOR PUBLIC CONSULTATION

REPORT OF NIGEL SMITH, DIRECTOR – PLACE

EXECUTIVE MEMBER FOR PLACE: CLLR DONNA WRIGHT

COUNCIL PRIORITY: THRIVING COMMUNITIES / RESPONSIBLE GROWTH / SUSTAINABILITY

1. EXECUTIVE SUMMARY

- 1.1 Following the adoption of the Local Plan in November 2022, the Council adopted a Developer Contributions Supplementary Planning Document to provide additional details for developers and case officers about developer contributions which can be used to make a development acceptable. This review is to update the SPD, particularly with regard to the provision of open space in new development.

2. RECOMMENDATIONS

- 2.1. That the draft Developer Contribution SPD, attached as Appendix A to be endorsed and approved for a period of public consultation.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To allow the Developer Contributions SPD to be updated and be used in decisions on planning applications.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. The Council could retain the existing Developer Contributions SPD. However, it is considered that there is out of date information in the SPD and that by updating it, the Council can secure more appropriate contributions arising from those developments where developer contributions are applicable.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Executive Member for Place has been briefed on the programme for consultation on the draft SPD.
- 5.2. Internal consultation with relevant officers across Council departments has taken place in developing the draft SPD for consultation.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on the 21 March 2025.

7. BACKGROUND

- 7.1. Developer contributions can be used to make a development acceptable but should only be used where unacceptable impacts cannot be dealt with by planning conditions. Legal tests must be applied to any planning obligations sought, and this is outlined in Community Infrastructure Levy Regulations 2010 (as amended) and in paragraph 58 of the NPPF. Any contributions must be: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.
- 7.2. The National Planning Policy Framework (NPPF) defines Supplementary Planning Documents (SPDs) as documents which add further detail to the policies in the development plan. SPDs are capable of being a material consideration in planning decisions but are not part of the statutory Development Plan. SPDs are not subject to an independent examination but are required to undergo public consultation.
- 7.3. The Developer Contributions SPD supports the implementation of policies in the [Local Plan](#), particularly:
Policy SP7: Infrastructure requirements and developer contributions;
Policy T1: Assessment of transport matters;
Policy HS2: Affordable housing; and
Policy NE6: New and improved open space

8. RELEVANT CONSIDERATIONS

- 8.1. The Developer Contributions SPD was adopted in February 2023 to support the implementation of the development and has been used to secure appropriate contributions arising from developments across the District.
- 8.2. There are a number of areas where updates to the Developer Contributions SPD are considered necessary. The significant changes include:
- Deleting references throughout the document to developer contributions requested by Hertfordshire County Council;
 - Updating and providing additional details with regard to Biodiversity Net Gain;
 - Updating the open space standards to reflect the new guidance published by Fields in Trust; and
 - General updating of relevant strategies and guidance where those have been updated or new guidance has been published.

- 8.3. Since the adoption of the Developer Contributions SPD, Hertfordshire County Council (HCC) have published a [“Guide to Developer Infrastructure Contributions”](#) in 2024. This document provides an overview of the obligations which HCC might seek to mitigate the impact of development. There was a considerable amount of duplication between the Developer Contributions SPD and the guidance set out in the HCC Guide. In the interests of providing clear guidance and to avoid duplications, these references have been deleted.
- 8.4. The requirement for developers to provide for Biodiversity Net Gain (BNG) became mandatory for developers after the adoption of the Developer Contributions SPD. The draft Developer Contribution SPD has been amended to reflect this and to provide additional guidance for developers.
- 8.5. The final significant amendments included in the draft Developer Contributions SPD are in the Open Space standards. Previously, the baseline requirements for open space in new development were based on the Fields in Trust Guidance for Outdoor Sport and Play Beyond the Six Acre Standard November 2020. This guidance has been superseded by the Fields in Trust Standards 2024. In terms of the guidance set out in the draft Developer Contributions SPD, these standards have been taken and have had target distances for types of open space in developments, so that there is a hierarchy of open spaces within new developments. It is intended that further guidance will be provided in the forthcoming District Design Code.
- 8.6. It is proposed that consultation on the draft Developer Contribution SPD will start in October 2025, with the results of that consultation being reported back to Cabinet in early 2026.
- 8.7. Overview & Scrutiny Committee have launched a Task & Finish Group to review processes around developer contributions more generally. This update of the SPD is separate and without prejudice to that investigation (and vice versa). As above, updates to the current SPD are required to ensure requests are based on up-to-date information. Any relevant outcomes from either workstream will be reported to the other to ensure consistent advice and decision-making.

9. LEGAL IMPLICATIONS

- 9.1. The statutory basis for Supplementary Planning Documents and their preparation is set out by a range of acts and associated regulations including the Planning and Compulsory Purchase Act 2004 (as amended) and the Localism Act 2011. Detailed requirements for the preparation of SPDs, including requirements for consultation, are stipulated in the Town and Country Planning (Local Planning) (England) Regulations 2012).
- 9.2. The provisions for planning obligations are set out under Section 106 of the Town and Country Planning Act 1990.

10. FINANCIAL IMPLICATIONS

- 10.1. The general costs of preparing Supplementary Planning Documents are met through existing staff resources and revenue budgets.

11. RISK IMPLICATIONS

- 11.1. There are no new risk implications arising from this report. The Council has changed how it sets and monitors risks, as reported to Cabinet in March 2022. This will see a shift to strategic risks based on key projects such as the Local Plan.
- 11.2. The risks associated with not preparing a Developer Contributions SPD include:
- lack of clarity and uncertainty to case officers and applicants when negotiating and determining planning applications;
 - lack of consistency with the emerging Local Plan as well as national planning policy and guidance; and
 - a risk of not securing the maximum range and / or amount of contributions possible within the parameters of the CIL regulations.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. There are not considered to be any direct equality issues arising from this report. Future individual schemes or considerations may well be subject to appropriate review to ensure they comply with latest equality legislative need. Any risks and opportunities identified will also be subject to assessment for impact on those that share a protected characteristic.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no new human resource implications arising from this report.

16. APPENDICES

- 16.1 Appendix A : Draft Developer Contributions SPD

17. CONTACT OFFICERS

- 17.1. Nigel Smith, Director – Place
01462 – 474847 nigel.smith@north-herts.gov.uk
- 17.2. Clare Skeels, Senior Planning Officer
01462 – 474424 clare.skeels@north-herts.gov.uk

- 17.3. Rachael Rooney, Interim Strategic Planning Manager
01462 – 474328 rachael.rooney@north-herts.gov.uk
- 17.4. Reuben Ayavoo, Policy and Communities Manager
01462 – 474212 reuben.ayavoo@north-herts.gov.uk
- 17.5. Tim Everitt, Performance and Risk Officer
01462 – 474646 tim.everitt@north-herts.gov.uk
- 17.6. Jodie Penfold, Group Accountant
01462 – 474332 jodie.penfold@north-herts.gov.uk