

CABINET
TUESDAY, 16 JUNE 2026

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT - ADOPTION

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. The Developer Contributions Supplementary Planning Document (SPD) supports the Local Plan to secure the appropriate contributions arising from new development across the District. A review of the SPD was necessary to update it and public consultation has taken place. The report outlines the results of that public consultation, the proposed amendments to the SPD and seeks approval to adopt the SPD to be used in determining planning proposals.

2. RECOMMENDATIONS

- 2.1. That the Developer Contribution SPD, attached as Appendix 1 be adopted.
- 2.2. That the 2023 Developer Contributions SPD be revoked.
- 2.3. That delegated authority is granted to the Director – Place in consultation with the Executive Member for Place, to make any minor non-material corrections (including but not limited to cosmetic additions or presentational alterations) to the adopted Developer Contributions SPD as considered necessary for publication and publicity in accordance with the relevant regulations.

REASONS FOR RECOMMENDATIONS

- 3.1. To allow the updated Developer Contributions SPD to be adopted to support delivery of the policies in the adopted Local Plan and ensure that developer contributions for development schemes are secured appropriately where they are necessary.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. None. Consultation has taken place on the Developer Contributions SPD, amendments have been made in response to the representations made and is ready for adoption in accordance with the relevant regulations.
- 4.2. Following the enactment of the [Levelling Up and Regeneration Act 2023 \(Commencement No.11 and Saving and Transitional Provisions\) Regulations 2026](#),

supplementary planning documents in preparation must be adopted no later than 30 June 2026.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Executive Member for Place has been briefed on the progress of the Developer Contributions SPD.
- 5.2. Internal consultation with relevant officers across Council departments has taken place.
- 5.3. Public consultation on the draft SPD was undertaken between 6 November 2025 and 16 January 2026. A summary of the comments made in response to the draft SPD has been prepared and is attached as Appendix 2.

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 19 December 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
- 7.4. Following a resolution by Cabinet in September 2025, public consultation on the draft Developer Contributions SPD took place between 6 November 2025 and 16 January 2026.

8. RELEVANT CONSIDERATIONS

- 8.1. The draft Developer Contributions SPD included a number of proposed changes to update the document. These included:
 - 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 introducing a tiered approach to open space provision incorporating the Fields in Trust standards; and
 - General updating of relevant strategies and guidance where those have been updated or new guidance has been published.
- 8.2. As a result of the public consultation, 55 individual responses were received from residents, the County Council, the Central East Integrated Care Board, landowners and developers. A summary of the representations and responses is attached as Appendix 2.
- 8.3. In response to the representations, a number of further amendments have been made to the SPD:
- There was support to replace the references for HCC developer contributions with a link to the guide that the County Council have published;
 - A number of representations were made in respect of the delivery of infrastructure ahead of planned development. A minor change was made to reference 'expected timescales' that funding would apply to, however the overarching principle within the SPD remains unchanged; it is considered to be reasonable for large or multiple developments to pay for infrastructure that has been forward funded, enabling it to be delivered at the same time or ahead of development it supports. Statutory planning obligation tests will still apply.
 - A number of amendments were made to the section Vacant Building Credit to simplify the text;
 - Significant updates have been made to Section 7: Healthy Communities as the information and costs for healthcare facilities have been updated by the Central East Integrated Care Board;
 - Some further amendments have been made to update the Biodiversity Net Gain requirements;
 - A new section has been added to the SPD, "Open Space, Indoor and Outdoor Sports Facilities". This amendment has been made to ensure that all the relevant guidance is in one section of the SPD;
 - There were objections which related to the proposed introduction of open space provision in different scales of development, or "tiers". The objections stated that these changes made the SPD complicated. It is agreed that these changes should not be made in the Developer Contributions SPD as the District Design Code SPD can include the details of how open space is provided in new development; and
 - There were no objections to updating the Fields in Trust open space standards in the SPD.
- 8.4. A Section 106 Task and Finish Group was set up to review the processes around developer contributions more generally. There are no recommendations made in the [Section 106 Task and Finish Report](#) which need to be included in the Developer Contributions SPD.
- 8.5. The SPD has been updated taking into account representations received through the consultation process, internal discussions with development management and HCC. The SPD is attached at Appendix 1. The SEA Screening Determination is attached at Appendix 3.

- 8.6. Subject to approval by Cabinet, the SPD will be adopted and will be a material consideration in planning decisions.

9. LEGAL IMPLICATIONS

- 9.1. Under the Terms of Reference for Cabinet, paragraph 5.7.18 of the Constitution states that the Cabinet should exercise the Council's functions as Local Planning Authority except to the extent that those functions are by law the responsibility of the Council or delegated to the Director: Place. This includes the preparation and adoption of SPDs which do not form part of the Council Policy Framework.
- 9.2. 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). These same documents make provision for local planning authorities to revoke any Supplementary Planning Document. There are no specific powers to "amend" an existing SPD in the acts or regulations, so it is common practice for an authority to adopt an updated SPD and simultaneously revoke the previous version for the avoidance of doubt.
- 9.3. The [Levelling Up and Regeneration Act 2023 \(Commencement No.11 and Saving and Transitional Provisions\) Regulations 2026](#) ; Schedule 1 – Plan Making Saving and Transitional Provisions states that local planning authority may prepare and make arrangements for the adoption of a proposed supplementary planning document, provided that the document is adopted no later than 30 June 2026.
- 9.4. 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. Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2. There are no new risk implications arising from this report.
- 11.3. 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 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 Community Infrastructure Levy (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. The SPD includes information on Biodiversity Net Gain, an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand. Amendments to the relevant section of the SPD have been made to provide up to date guidance for developers and there are continuing environmental benefits.
- 14.2. Government regulations require that Supplementary Planning Documents (SPD) are ‘screened’ to determine whether statutory environmental assessment (SEA) is required which would consider the social, economic and environmental implications of proposed policies and allocations.
- 14.3. A screening opinion was completed for the 2023 SPD and has been reviewed in light of the consultation. This is attached at Appendix 3 and concludes that the Developer Contributions SPD is not likely to have ‘significant environmental effects’ beyond the adopted Local Plan policies which have been subject to an SA and SEA.

15. HUMAN RESOURCE IMPLICATIONS

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

16. APPENDICES

- 16.1 Appendix 1 : Developer Contributions SPD
- 16.2 Appendix 2 : Statement of Consultation
- 16.3 Appendix 3 : SEA Screening Determination

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

- 18.1 [Developer Contributions SPD – Draft for Consultation : Cabinet 23 September 2025](#)