

**Developer Contributions Supplementary  
Planning Document (SPD)**

**Statement of Consultation**

*January 2023*

## **1. Introduction**

- 1.1. This consultation statement has been prepared in accordance with Regulation 12 of The Town and Country Planning (Local Planning) (England) Regulations 2012. The statement sets out who was consulted when preparing the Developer Contributions Supplementary Planning Document (SPD), when and how they have been consulted, and summarises the representations received and how they have influenced the SPD.
- 1.2. The document is named the Developer Contributions Supplementary Planning Document (SPD).
- 1.3. This SPD sets out detailed guidance on the type and scale of developer contributions that will be sought to support new development in our area.
- 1.4. The aim of the document is to assist Council Officers, applicants, agents and Members through the planning application process in a fair, transparent and consistent way.
- 1.5. A significant number of planning policies within the Local Plan 2011-2031 are relevant to the infrastructure delivery in the sense that compensation may be required to mitigate impacts relevant to those policies. The main policy “hook” for infrastructure contributions is policy SP7: Infrastructure Requirements and Developer Contributions.

## **2. Preparation of the Developer Contributions SPD**

- 2.1. The Developer Contributions SPD has been developed since 2019. Two consultations have been undertaken, the first between February and March 2020 and the second between October and November 2022. The latter consultation was undertaken given changes in Government policy and legislation since 2020 and to streamline processes.
- 2.2. Information on the consultation undertaken on the SPD is outlined below.

### **Initial consultation the Developer Contributions SPD**

- 2.3. Informal consultation was initially undertaken, targeted towards those organisations with an interest in the delivery of infrastructure. This included consultation internally within NHDC with the Housing Development Team; Planning Policy; Economic Development; Legal Services; Environmental Health; Development Management; Policy and Community Engagement; Monitoring; Grounds Services; colleagues from Hertfordshire County Council in respect of Growth and Infrastructure; as well as relevant NHS ICBs, to make it as usable and accurate as possible in draft form. The consultations were sent by email to relevant parties in February 2019. The comments received from the informal consultation were both procedural as well as substantive and led to amending the SPD where appropriate.

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- 2.4. A member workshop was held for all locally elected members in February 2019. Feedback was provided on the day, as well as some written feedback from specific members. The issues raised included viability issues, off-site affordable housing, phasing and timing of contributions and whether smaller sites could contribute to infrastructure requirements. These points were largely resolved within the meeting, and some were integrated into the draft SPD.
- 2.5. The draft SPD was approved for consultation at Cabinet on 28 January 2020 and the consultation ran from February to March 2020. The responses to this consultation can be found at Appendix B.
- 2.6. An SEA Screening Determination was produced at this stage that identified that the draft SPD did not require an SEA to be undertaken.

### Further consultation October- November 2022

- 2.7. In 2022, work commenced on an update the draft Developer Contributions SPD to better reflect recent amendments to Government legislation and policy, Council priorities and to improve the general processes for securing developer contributions.
- 2.8. In March 2022, further informal consultation was undertaken by means of email to those originally contacted for informal consultation in February 2019 (see those consulted at paragraph 2.3). Focussed meetings were set up as required to determine the updates needed to improve the SPD, provide greater clarity and resolve any outstanding issues.
- 2.9. Cabinet resolved in September 2022 to launch a further consultation since the updates the SPD had been made. This consultation ran between October and November 2022. The responses to this consultation can be found at Appendix A.
- 2.10. A further SEA Screening Determination has been produced that confirms that the SPD does not require an SEA to be undertaken. This has been concurred by the relevant statutory consultees.

### 3. Consultation Methodology

- 3.1. Notifications were sent to a wide range of statutory and non-statutory consultees, developers, parish and town councils, landowners, and those who have registered interest in relevant policies of the Local Plan 2011-2031 by letter. The consultation was also published on the North Hertfordshire District Council website and on social media platforms.
- 3.2. The most recent consultation was held between October and November 2022 and ran for five weeks (including an extra week to that required by legislation to account for the half term school holidays).

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- 3.3. The document was available to view on the Council’s website<sup>1</sup> as well as at the Council Offices and libraries during normal opening hours.
- 3.4. Representations were received through the Council’s online portal as well as by email and post.

### **4. Issues Raised**

- 4.1. Appendices A and B show the consultation responses received between October and November 2022 and February and March 2020 respectively.

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<sup>1</sup> <https://www.north-herts.gov.uk/home/planning/planning-applications/planning-obligations/guidance-planning-obligations-supplementary>

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### Appendix A: October- November 2022 consultation responses

Subsection	Comment ID's	Summary of comments	Actions
General	17480	<p>The draft SPD, in its current form, fails to provide a clear steer on which developments will be liable to pay which contributions. For example, some contributions may not be relevant for schemes of less than 10 homes. Currently, there is no certainty for developers to understand which contributions within the draft SPD may be applicable to their scheme.</p> <p>The PPG provides some guidance on developer contribution SPDs and notes that: “It is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or support evidence base documents, as these would not be subject to examination”. (Paragraph: 004 Reference ID: 23b-004-20190901).</p> <p>However, the draft SPD provides no cross-referencing to where formulas may be located in other policy documents, and no baseline figures per household for many contributions. Without some indication of the scale of contribution, there is no certainty for developers and this undermines the role of the Developer Contributions SPD. It also places a greater emphasis on the S106 process as all contributions could be available for negotiation without a clear formula set out in policy and referenced in this document.</p>	<p>The contributions required by policies set out in the adopted Local Plan have been tested through the Examination process and are evidenced in the Local Plan Viability Assessment Update (2016). As set out in PPG, this viability testing has been undertaken already given that the role for viability testing is primarily at the plan making stage to ensure that the cumulative cost of relevant policies does not undermine deliverability.</p> <p>In addition, the site allocations included in the Local Plan outline where contributions and infrastructure will be required to support the development so this provides a more specific indication.</p> <p>The SPD includes reference to requirements wherever it is possible to do so, such as for affordable housing, open space standards, healthcare contributions as well as signposting other relevant documents, including the HCC Guide to Developer Infrastructure Contributions.</p>
General	17476	<p>Further information would be useful as to how any potential shortfall of funding secured through planning obligations for infrastructure, particularly to support larger strategic developments in the District, may be sought in the absence of an Infrastructure Levy and/or CIL receipts. This is necessary to understand the feasibility of delivery key infrastructure projects.</p>	<p>The contributions required by policies set out in the adopted Local Plan have been tested through the Examination process and are evidenced in the Local Plan Viability Assessment Update (2016). As set out in PPG, this viability testing has been undertaken already given that the role for viability testing is primarily at the plan making stage to ensure that the cumulative cost of</p>

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			<p>relevant policies does not undermine deliverability.</p> <p>In addition, the site allocations included in the Local Plan outline where contributions and infrastructure will be required to support the development so this provides a more specific indication. This is underpinned by the Infrastructure Delivery Plan (2016 and updated in 2018) developed to support the Examination of the Local Plan.</p>
General	17475	<p>Natural England has previously commented on this SPD and made comments to the authority in our letter reference 407179, dated 29 September 2022. The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original document are unlikely to have significantly different impacts on the natural environment than the original proposal.</p> <p>Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.</p>	<p>No action required. This refers back to the response to the SEA Screening that determined that there are unlikely to be significant environmental effects from the proposed SPD.</p>
General	9861	<p>Requests for a more concise document which incorporates HCC requirements on contributions and land owner requirements so that planning obligations can be considered in the whole. Recommends that there should be a round table discussion with key stakeholders to address issues identified in the consultation.</p>	<p>We acknowledge that this is the first of a suite of SPDs that will be created/updated to support the newly adopted Local Plan. This may mean that certain aspects may be transferred to other forthcoming SPDs and/or policies once the Local Plan undergoes early review.</p> <p>In relation to prior opportunities to input, the Council ran a previous consultation in February/March 2020. The responses to that consultation have informed the latest iterations of the SPD.</p>
General	9861	<p>There are a large number of pages that are not necessary for a Developer Contributions SPD and it seems to slip in to a developer guide, with discussion about master planning principles and a repeat of policy aspirations.</p>	<p>See also above.</p> <p>In addition, given the time lag between the adoption of the Local Plan and the adoption of the forthcoming Biodiversity</p>

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		<p>An example is the Natural Environment section, where there are pages of master planning principles. We do not disagree with these principles, but why is this in a SPD about developer contributions, when most of the text is of no relevance to the purpose of the SPD? The aim of the SPD in our opinion is to provide certainty, evidence and justification to support developer contributions.</p> <p>We would therefore recommend that a large amount of text could be removed by simply making reference to the Design SPD and other policy documents.</p>	<p>SPD, the intention is to provide additional guidance on matters such as Biodiversity Net Gain to inform the S106 process.</p>
General	16600, 17477, 17032, 17468	No further comments to make on the Draft Developer Contributions SPD.	
Section 1 – Introduction			
Paragraph 1.9.1	16813	<ul style="list-style-type: none"> <li>• Add underlined text to reflect the full name of the HCC Guide, a footnote with a weblink as has been done elsewhere as this is the first mention of the Guide.</li> <li>• Please note somewhere appropriate within the SPD that the current iteration of the HCC guidance is the “Guide to Developer Infrastructure Contributions” and that this may change in the future and state that the reference to the Guide also covers any subsequent versions of HCC guidance in the future. Underlined text added as an example but can be placed anywhere in the SPD.</li> </ul> <p>1.9.1 A range of infrastructure providers may seek contributions from new development. This includes, but is not limited to, Hertfordshire County Council, the NHS, the Police and Crime Commissioner for Hertfordshire and local Parish, Town or Community Councils. These are indicated under the relevant topic areas below. Guidance should also be taken from programmes from these other authorities, such as Hertfordshire County Council <u>Guide to Developer Infrastructure Contributions document [footnote] (or any such subsequent Hertfordshire County Council document)</u>, or neighbourhood development plans from local Councils.</p>	<p>Changes have now been integrated into the next version of the SPD</p>
1.11	16951	<p>The Draft SPD states in respect of Policy SP9, that the Council has published detailed guidance on the strategic masterplanning process and the expected contents of masterplans, including expectation for the provision of Infrastructure Delivery Plans (IDP) to allow for early identification of strategic infrastructure requirements. However, it also states that s106 discussions will not normally take place at this stage. The SPD goes on to say that it is, however, anticipated that the masterplan process will normally 'dovetail' into a bespoke pre-application and / or a planning application where more detailed information may be sought or provided in line with this SPD.</p>	<p>The intention is that at pre-application stage there would be a high level indication of key items of infrastructure set out and linked to phasing as well as mechanisms for management and maintenance agreed. A clarification on this point has now been included in the SPD</p>

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		<p>This seems to provide a disconnect between the level of information the LPA are expecting from masterplans and the level of feedback it is willing to give regarding planning obligations during the masterplan process.</p> <p>Given, the Local Plan Inspector made it clear that there is no requirement for masterplans to be informally agreed before a planning application is lodged (and Policy SP9 updated accordingly), it appears a poor use of resources to seek the provision of IDPs as part of the masterplan preparation process. Particularly so when such a document may not even be agreed by the LPA or underpinned by any meaningful feedback on S106 matters. This section of the SPD needs to be clarified in line with the Inspector’s comments and/or the final version of Policy SP9, with a clear process for seeking to streamline when and how agreements over likely infrastructure requirements and contributions will be discussed and agreed. This is even more important when considered in conjunction with the below matter regarding committee procedures.</p>	
1.11.3	16154	<p>Greater emphasis should be placed on the need for all relevant parties to have regard to the Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 (2) tests and viability considerations as reflected in Policy SP7 (d) and (f) of the adopted Local Plan and Section 2.3 of the draft SPD. Paragraph 1.11.3 should be amended as follows (as underlined).</p> <p>The Strategic Sites will need to address any specific contribution requirements set out in their individual policies, other relevant policies in the Plan and in this document subject to <u>consideration of viability. This is as specified by Local Plan Policy SP7 (f), and Section 2.3 of this document, which refer to circumstances in which developers consider that viability issues impact upon the delivery of key infrastructure and/or mitigation measures.</u></p> <p>Developers should be aware that non-financial obligations may be required to secure details outside of the scope of this document, such as securing a masterplan, the final location and use splits of local neighbourhood centres, or management plans for the maintenance and sustainability of any new neighbourhood centres required as a result of the development <u>subject to viability.</u></p>	<p>The contributions required by policies set out in the adopted Local Plan have been tested through the Examination process and are evidenced in the Local Plan Viability Assessment Update (2016). As set out in PPG, this viability testing has been undertaken already given that the role for viability testing is primarily at the plan making stage to ensure that the cumulative cost of relevant policies does not undermine deliverability.</p> <p>In addition, the site allocations included in the Local Plan outline where contributions and infrastructure will be required to support the development so this provides a more specific indication.</p> <p>No change taken forward relating to the additional text proposed. This SPD provides guidance on the approach to viability, along with Local Plan Policy SP7 part f) and PPG on Viability.</p>



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Section 1.1	16130	It is noted in the introductory paragraphs that the content of the Draft SPD is based upon “proposed Local Plan policies”. To that end we are aware that on the 8th November 2022, the Full Council adopted the new Local Plan and consequently the text within the SPD will need to be updated in these circumstances.	Actioned.
Paragraph Para 1.6.4	16130	Para 1.6.4 suggests an infrastructure levy will be forthcoming. We consider that in relation to large-scale developments such as East of Luton, S106 Agreements still represent the most appropriate and effective tool for the delivery of infrastructure	Agreed however still awaiting further clarity from Government on the operation of the proposed Infrastructure Levy. No action needed at this stage.
Paragraph 1.9.3	16130	<p>The current consultation document of September 2022 at paragraph 1.9.3 now increases the £150k figure to a figure of £250k. Additionally the reference to the District Council has been extended to the County Council (and any Parish or Town Council) and also states that the inclusion of the provider will be on a “case by case basis”.</p> <p>The amendments to the SPD that have been made since the previous version are welcomed as is the clarification that the inclusion of the provider will only be on a “case by case basis”. However, it is not clear in this context on what basis a provider who is obligated to pay over £250k is to be included or not included within the Agreement, and the overall objective to be to avoid unnecessary signatories and the likely delays that would result.</p>	An amendment has now been included to reflect the issues raised in this response. Further to this, it is not intended that this requirement would be triggered frequently. A level of flexibility is required given the unique circumstances of each case, however for clarity it is now stated the types of issues that will be considered when determining the signatories to an agreement.
Paragraph 1.11.3	16130	<p>Object – The text states “The Strategic Sites will need to address any specific contribution requirements set out in the individual policies, other relevant policies in the Plan and in this document.</p> <p>Developers should be aware that non-financial obligations may be required to secure details outside the scope of this document, such as securing a master plan, the final location and use splits of neighbourhood centres, or management plans for the maintenance and sustainability of any new neighbourhood centres required as a result of the development.”</p> <p>Whilst we understand that the wording above is intended to provide examples of non-financial obligations, we consider that it is more appropriate for the text to simply confirm that reference to development plan policies and the contents of this SPD document is sufficient, and avoids confusion. We therefore suggest the deletion of the text from “...to secure details...” onwards.</p>	No change proposed to ensure compliance.
Section 2 – Process, Procedure and Management			
Section 2.1	16748	Where appropriate, we would welcome being consulted on or notified of draft Heads of Terms for proposed developments on the East of Luton Site.	Noted but not a matter for the SPD to specifically address. The Council will work in conjunction with Luton Borough

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			Council on matters relating to the East of Luton site as appropriate.
Paragraph 2.1.3	5059, 16748, 16813	Typo identified in paragraph 2.1.3: “expected to exceed 10 units of 1,000sq m in floor space” instead of “of” this should be “or”.	Agreed typo and has been updated accordingly.
Paragraph 2.1.3	16813	<p>This section appears to be just in terms of pre-application advice. It would be useful if this threshold (“major development”) was set out as a general principle for which planning obligations will be considered (e.g. in section 1.6 which appears to be the general principles section).</p> <p>National Guidance suggests that 1,000sqm is for non-residential development and for residential it is 0.5ha or more (<a href="http://www.gov.uk">Planning obligations - GOV.UK (www.gov.uk)</a>, Paragraph 23, Reference ID: 23b-023-20190901). Please therefore amend text to <u>10 units or 0.5hectares</u> as per National Guidance for the definition of major development.</p>	<p>A new sentence has now been added to paragraph 1.6.3 to refer to the instances where contributions may be sought.</p> <p>The second point raised has now been included at paragraph 2.1.3.</p>
Section 2.2	9861	To avoid significant legal costs and time delays before applications are reported to Planning Committee on straightforward Section 106 agreements, it would be far preferable that a draft agreement does not need to be completed, but heads of terms and evidence of title along with a willingness by all parties to enter into an agreement. I appreciate in more complex agreements it may be appropriate to agree wordings, but this should only be the case in a small number of applications. This would avoid unnecessary time delay for both the Council and applicants, whilst having certainty that an agreement will proceed should the application be supported by Members.	This point is acknowledged, however there may be instances where the decision on a planning application is contingent on the S106 agreement. As such, the text in the SPD will remain as is but will be considered on a case by case basis.
Paragraph 2.2.3	16130	<p>Object – The text states that whilst applicants are encouraged to engage in pre application discussions with certain organisations, no planning obligation should be agreed independently of the case officer representing the Council.</p> <p>We consider the wording to be inappropriate in the situation whereby other than unilateral obligations, the applicant cannot agree the content of the agreement given that the local planning authority is a signatory. The text should be amended to read “...whilst applicants are encouraged to engage in pre-application discussions with certain organisations, it is important that the case officer is engaged in meetings and correspondence where obligations are discussed”.</p>	Noted. Text now added to read “no obligation should be agreed in principle independently of the case officer representing the Council to ensure that competing demands can be appropriately balanced.”
Paragraph 2.2.5	16951	The Draft SPD advises that planning applications requiring legal agreements, and which are to be determined by the Council’s Planning Control Committee, will not be recommended favourably to the Planning Control Committee until all parties to the	Whilst not a matter for the SPD to address, this point is acknowledged

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		<p>agreement have agreed the content of the document. The legal documents which secure the obligations, whether via a bilateral Section 106 deed of agreement or unilateral undertaking, must be agreed in regard to wording of definitions, scale, phasing of delivery and trigger points of any obligations prior to the deadline for draft reports for the targeted committee date.</p> <p>If this is the approach which is to be taken, the LPA need to ensure that this process is sufficiently resourced so that schemes are not prevented from progressing to committee simply because the legal team does not have capacity or resources to deal with such requirements in a timely manner. The LPA Case Officer will also need to be proactive in instructing the legal team at the appropriate point during the application stage, potentially before they have fully written up their recommendation to prevent unnecessary delays between a recommendation being made and an application being able to be heard at a committee. Clarity from Officers will also need to be provided early on for the contributions that they consider meet the tests set out at paragraph 57 of the NPPF (2021) and are CIL compliant in accordance with Regulation 122 (2) and will therefore be seeking from the planning application.</p>	<p>that sufficient resourcing and time is required.</p>
Section 2.3	9861	<p>The draft discusses viability in Section 2.3 and that paying too much for the land will be disregarded (which we would agree with), but in formulating land value, the amount to be set aside for planning contributions is a significant element to determining this value. The greater amount of certainty for these costs before a planning application is formulated or the land is acquired, gives the best possible chance that contributions will be secured. Trying to negotiate these later during the planning application is challenging and can detract from the quality of the development, which could be the case arising from the lack of certainty in the SPD.</p> <p>As part of the Council's supporting evidence on viability, it would be helpful to see some examples of likely contributions for major development that encompass HCC and NHC obligations using this SPD. This would have been run in order to demonstrate internally that agreements will be reasonable and that the SPD has considered the whole package of likely obligations in the round. This would be useful background evidence to the consultation and SPD.</p> <p>With respect to viability, over the past 12 months build, planning and development costs have grown at an alarming rate. We think that it would be useful to recognise this in the document, as this would not have been factored into many land purchases, due to the unexpected nature of the changes to the economy.</p> <p>Clearly Herts County Council obligations are a significant element of any Section 106 in North Hertfordshire. Having their SPD as an entirely separate document and the absence of any of HCC's standard calculations in the relevant sections does make matters more difficult. The Council is expecting land owners and developers to have</p>	<p>The contributions required by policies set out in the adopted Local Plan have been tested through the Examination process and are evidenced in the Local Plan Viability Assessment Update (2016). As set out in PPG, this viability testing has been undertaken already given that the role for viability testing is primarily at the plan making stage to ensure that the cumulative cost of relevant policies does not undermine deliverability. This includes scenario testing and for the Strategic Sites.</p> <p>In addition, the site allocations included in the Local Plan outline where contributions and infrastructure will be required to support the development so this provides a more specific indication.</p> <p>In relation to recent changes in development costs, this would be dealt with in line with adopted Local Plan Policy SP7 part f) and the viability</p>

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		<p>a single Section 106 agreement which encompasses both the District and County's obligations, so it would seem reasonable that there is joint working between the two authorities to produce a single piece of guidance. This is essential to enable obligations to be considered as a whole and less chance of different authorities priorities being challenged.</p> <p>We suggest it would be more appropriate to provide links to where up to date evidence can be sourced that support the Council's approach and fill any gaps in justification.</p>	<p>sections in the SPD where viability now warrants consideration. Nonetheless, project risk is a factor in the development process and fluctuations in the market should not impact on the delivery of sustainable development.</p> <p>Whilst it is agreed the process is not as streamlined as ideal, this is unavoidable due to two-tier system. Further to this, although the SPD signposts the HCC Guide to Developer Infrastructure Contributions where applicable, it does not endorse it given it has not been subject to independent testing to understand the impact on viability.</p> <p>The SPD includes references to where evidence and justification can be found in a series of tables at the beginning of each section. This includes a range of internal and external guidance and strategy documents.</p>
Section 2.3	9861	<p>We have mentioned above about the need to recognise significant inflation in costs. Where reference is made to viability appraisals, it would be far easier for the Council and applicants/developers if a standard toolkit is used and included in the SPD or at least referred to. This would take away the need for discussion about methodology and follow the approach taken by the GLA with their toolkit.</p>	<p>National policy does not stipulate a standard toolkit to be applied, however there is extensive guidance on viability and the underpinning evidence and approach to be taken when assessing viability in both PPG and this SPD. This enables viability to be addressed in a fair and transparent way irrespective of the toolkit used.</p>
Section 2.4	9861	<p>Again, standard formats may be of assistance in this circumstance.</p>	<p>Do not consider a standard template to be of value given many variations on what may be included and unique to the site in question. No action taken forward.</p>
Section 2.4	16748	<p>We welcome the council considering viability review mechanisms but recommend that they be used in every case where developer contributions in the S106 fall short of policy compliance. In regard to the East of Luton site, there should be a mechanism</p>	<p>See also Section 5 on approach to the East of Luton sites.</p>

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		for the sharing of any resulting commuted sums for affordable housing to be shared with Luton Council, in line with the split of the site in meeting housing needs.	Should any of the physical affordable housing contribution be provided as a commuted sum that should be split appropriately with Luton BC in relation to the East of London. This would also be the case where a review mechanism is in force. The use of viability review mechanisms will continue to be considered where obligations or covenants are agreed at lower than policy compliant levels on viability grounds. This is to ensure flexibility given different scales of development and the resources available to enforce this.
Section 3 – Economy and Town Centres			
Paragraph 3.3.3	16130	Object – This section of the SPD refers to the need for contributions for improvements to the wider public realm for town centres whilst acknowledging that such schemes clearly need to meet the necessary policy tests. At present there is no indication of the improvements that would be sought but rather reference is made to specific projects being identified in an updated suite of Town Centre Strategies. Whilst these are still to be produced, it would be helpful for the SPD to indicate to applicants what guidance is in place at present in the absence of such Strategies.	The existing Town Centre Strategies still apply and will be updated in due course now that the Local Plan has been adopted.
Section 3.3	17442	U&C appreciate the principle of improvements to town centres and to the public realm. However, it is considered that further detail is needed in terms of the town centre strategies and the relationship that any strategic infrastructure works have with the infrastructure delivery plan (IDP) thus ensuring contributions are fairly and reasonably related, both in scale and kind, to the development.  Requests for financial contributions towards the installation of specific facilities and public realm improvements are likely to be appropriate where this is proportionate and reflects the requested contributions tested within the Local Plan. To this end, U&C consider it is important to have further information on the proposed town centre strategies with details on the nature and cost of such projects, to establish how required contributions will be calculated and justified before this is defined in the SPD.	See above
Section 3	9861	Economy & Town Centres Reference is made to a local labour agreement. An example of this in the appendices would be useful. There could be a stronger commitment to apprenticeships linked to development. North Herts College is well placed to deliver apprenticeship and training programmes as a lead partner, an approach they have taken with Stevenage Council as part of the	The Local Plan or other relevant documents, such as the Economic Development Strategy do not provide policy hooks on this matter and therefore this limits the extent to which this can be required. Nonetheless, text

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		<p>SG1 regeneration. This would make a significant contribution for local people and the local economy. Reference is made to encouraging this on larger development schemes, but apprenticeship and training is commonplace for many authorities, particularly London Boroughs, for a range of development sizes. If working with an approved training provider such as North Herts College this would enable the pooling of contributions, meaning that a lower threshold for sites could be included. There could also be an opportunity for developments to opt out of contributions or agreements with the College if they make provision for training in-house, subject to certain criteria and approval.</p> <p>Where reference is made to town centre regeneration, there should be mention of the BIDs and the Heritage Foundation as partners on this.</p>	<p>has now been added at paragraph 3.2.2 to state:          “Hertfordshire Opportunities Portal (HOP) (hopinto.co.uk ) and the North Herts College will be encouraged for training, apprenticeships and employment opportunities.”          The latest version of the SPD now makes reference to the BIDs and the Heritage Foundation.</p>
Section 4 - Transport			
Section 4	13929	Request to include electric vehicle charging points are installed within new build developments in accordance to the Building Regulations 2010.	No action required as falls within the remit of Building Regulations.
Section 4	9861	This lacks detail and provides no indication of the likely level of contributions – an example of where joint working with HCC would be of benefit.	The Hertfordshire County Council Guide to Infrastructure Contributions and the accompanying technical appendices provide guidance on the contributions relating to transport matters. This is signposted in the table at the beginning of the section on transport in the SPD and at paragraph 4.2.1.
Section 4	17476	U&C supports the District Council intention to promote non-financial contributions towards sustainable transport as part of development proposals. U&C advocates the provision of employment uses close to residential developments to reduce the need for outward journeys for future residents. However, movement should be considered holistically for development sites including where wider external funding may be required to support more strategic improvements.	Noted
Section 5 - Housing			
Section 5	17465	Royston Town Council are pleased to see the specification for more affordable housing is more specific with higher rates. Royston Town Council support the adoption of the Local Plan.	
Paragraphs 5.2.75 to 5.2.77	16130	It isn't immediately clear that all of paras. 5.2.75 to 5.2.77 relate to the East of Luton site – we would suggest the use of a subheading or other device to make this clear.	Differentiating where the text directly refers to the East of Luton site has now been taken forward in the next iteration of the document.

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Section 5	9861	<p>Although reference is made to Neighbourhood Plans and Parish Housing Need Surveys, there should be recognition of the shortfall of the SHMA that looks (correctly) at the wider housing market area of Stevenage and North Herts and has little relevance to locations such as Letchworth GC that is different to the remainder of this market area. Here there is a large proportion of socially rented housing, with an over supply of 3 bedroom dwellings in social rent (mentioned in this section) and where there is arguably a greater need for more intermediate housing, as well as rented accommodation, suggesting an alternative split be considered. There should therefore be a recognition of local housing need surveys, such as the 2019 Letchworth survey and the role that they should play in determining affordable housing requirements. As with the Letchworth survey, the methodology should be agreed by the Council. This would fill in the gaps that exist with the SHMA and provide more up to date information.</p> <p>There should also be a recognition of taking a portfolio approach to provision where a land owner has a number of sites. For example, in Letchworth it would make sense to link sites together for the purpose of affordable housing, so for example sites that are more suited to affordable apartments in more accessible locations can be utilised for that purpose, which can be offset against other sites more suited to houses. This is particularly where above policy provision is made on a site, which can be counter balanced elsewhere. This could apply to the Heritage Foundation’s land holdings, whilst ensuring policy provision is made cumulatively across all sites with housing types in the most relevant location.</p> <p>Where registered providers are discussed, reference should be made to co-operatives and community land trusts and in line with the amended text approved by the Inspector at the Public Examination and incorporated in Policy HS2. These bodies should be encouraged and can play an important role in affordable housing delivery.</p> <p>In Section 5.3 where self-build is discussed, again the role of CLTs and co-operatives should be referred to. It is also recommended that there should be a local connection criteria for self builds. There is some positive approaches by Cherwell District Council that achieve this in the Craven Hill scheme.</p> <p>We support the use of Local Development Orders to help bring forward these schemes, as mentioned in the SPD text.</p>	<p>The SPD is not intended to duplicate existing planning policies. The adopted Local Plan at Policy HS3 part a) part ii) states that: “the findings of the most up-to-date evidence including the most recent Strategic Housing Market Assessment, the Council’s Self Build Register and other relevant evidence of housing need”</p> <p>This recognises that there may be other relevant documents demonstrating evidence of housing need and to reflect unique locational circumstances.</p> <p>With regards to adopting a portfolio approach, the Council will consider sites on a case by case basis. Nonetheless, the Council is committed to the creation of mixed and balanced communities, an approach that is set out in paragraph 64 of the NPPF. Further to this, the delivery of affordable housing should not be potentially hindered should affordable housing be limited to a select number of site(s).</p> <p>Reference is now included at paragraph 5.2.20 to include Community Land Trusts and other forms of co-operative provision.</p> <p>As the Council do not hold a part II register it is not possible to introduce local connection criteria for self-builds.</p>
Paragraph 5.2.7	16748	<p>We agree with the requirement to increase the affordable housing requirement on alternative sites where these are used in place of on-site provision. However, we would like to see access to these homes in the case of any off site provision which is agreed on the part of the East of Luton site which is designated for Luton’s housing needs.</p>	<p>Text has now been amended to state: “Any off-site provision or commuted sums in lieu of on-site provision should be directed to Luton Borough.”</p>

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Paragraph 5.2.25	16748	Similarly, we support your approach to commuted sums in lieu of affordable housing but request that if these are received on sites which were designated as meeting the housing needs of Luton borough, they should be made available to Luton council for provision of alternative affordable housing, in line with the uses outlined in 5.2.32.	See above						
Paragraph 5.2.42-5.2.47	16748	We support your approach in regard to tenure splits, although note that in our own policies we require 72% for affordable rent and 28% for intermediate tenures of which our preference is for shared ownership.	Policy HS3 of the Council's Local Plan makes provision for this and there is no justification to repeat the approach in the SPD.						
Paragraph 5.2.60 – 5.2.64	16748	We recognise the affordable housing mix you outline as meeting the wider needs of North Herts District. However, in terms of application to the East Luton sites which are intended to meet needs in Luton, please note that our highest needs are for larger family homes ideally 3, 4 and 5 bedroom, and at 2 bed 4 person minimum. Therefore, any balancing of overall supply which allows for larger homes in the East Luton sites to offset greater numbers of smaller homes elsewhere in the district would be welcomed by Luton Council.	This is a matter that will be addressed through the Council's masterplanning work on the East of Luton site and will be informed by adopted Local Plan policies.						
Paragraph 5.2.69	16748	We also prefer affordable housing to be transferred to registered providers. However we do have an approach for cases where a non RP is taking on ownership of affordable homes, and would be happy to share our S106 wording and approach with you if requested.	Noted and can be discussed through the masterplanning process for the East of Luton site, where necessary, and against current North Hertfordshire processes and policies.						
Paragraph 5.2.76	16748	<p>We do not feel that affordable housing in East Luton which is intended to meet Luton's housing needs should be let only on first lets by nomination from Luton Council. We recognise that we have severe and arising housing needs, in particular for the family homes these sites are likely to generate. We therefore feel that ongoing access to affordable housing is appropriate, especially as this area will operate as an extension of Luton. In regard to the ongoing lettings we would propose the following options:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Preference</th> <th style="width: 20%;">Headline</th> <th style="width: 65%;">Details</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Nomination rights for first and subsequent lettings</td> <td>Luton Council to receive nomination rights to affordable homes on sites designated for Luton's need, in line with the overall plan approach ie 100% of first lets, 75% of subsequent lets. This expectation to be written into the S106 agreement.</td> </tr> </tbody> </table>	Preference	Headline	Details	1.	Nomination rights for first and subsequent lettings	Luton Council to receive nomination rights to affordable homes on sites designated for Luton's need, in line with the overall plan approach ie 100% of first lets, 75% of subsequent lets. This expectation to be written into the S106 agreement.	This issue is now addressed in a text box for the East of Luton site.
Preference	Headline	Details							
1.	Nomination rights for first and subsequent lettings	Luton Council to receive nomination rights to affordable homes on sites designated for Luton's need, in line with the overall plan approach ie 100% of first lets, 75% of subsequent lets. This expectation to be written into the S106 agreement.							



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		2.	Nomination rights for 100% first lets and shared rights to subsequent lettings	<p>Luton Council to receive 100% nomination rights on first lets as currently proposed, and shared rights on subsequent lets ie 37.5% minimum which would represent half of the available nominations, based on the standard 75% of second and subsequent lets requirement.</p> <p>Two options on how this could be approached:</p> <p>Firstly to designate at completion which homes would be subject to ongoing nomination by Luton Council. This would mean that allocations would depend on when those particular homes became available.</p> <p>Secondly, Luton to receive 37.5% of nominations in any year, with a monitoring arrangement in place to ensure equity in regard to property types and tenures.</p>	
Paragraphs 5.2.41 and 5.2.8	4970		Omission of Knebworth and St Ippolitts as designated protected areas in para 5.2.41 and 5.2.8	<p>In addition, we would like to request an agreement which sets out that in the event North Hertfordshire council is unable to successfully nominate to any homes in the East Luton area within a specific time period (say 6-8 weeks), then the letting is offered to Luton Council before reverting to the Registered Provider.</p>	Designated Protected Area status only applies to parishes with populations of 3,000 or less. This is in accordance with The Housing (Shared Ownership Leases) (Exclusion from Leasehold Reform Act 1967) (England) Regulations 2009, which came into force on 07 September 2009. These regulations included the introduction of Protected Area Status for settlements

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			<p>exempt from the Right to Acquire (i.e. those with populations of less than 3000). A footnote has now been added to the SPD explaining this.</p>
Section 6 - Design			
Section 6	16951	<p>Within the design section, more guidance should be provided as to when requests for contributions to design matters will be justifiably required and how they will be calculated.</p>	<p>The SPD is intended to provide policy hooks and further information will follow in forthcoming SPDs.</p>
Paragraphs 6.6.4-6.6.7	16813	<p>Changes are required (as underlined) to the Waste paragraphs as follows, (note HWRC is a term not used, these are Recycling Centres (RCs));</p> <p>6.6.4 Under the Environmental Protection Act 1990, Hertfordshire County Council is required to perform the statutory functions of the Waste Disposal Authority (WDA) for Hertfordshire. The WDA is also required to provide facilities in its area where residents may deposit their own household waste free of charge. In Hertfordshire, these facilities are known as <del>Household Waste</del> Recycling Centres (<del>HWRCs</del>).</p> <p>6.6.5 As WDA, Hertfordshire County Council is responsible for the disposal of Local Authority Collected Waste (LACW) arising in the county. LACW consists of household waste and commercial waste collected by the ten Borough and District Councils in their role as the Waste Collection Authorities (WCA's) for Hertfordshire and waste collected at the county's <del>HWRCs</del>. <u>Much of this waste is bulked in Waste Transfer Stations ready for onward transport to the point of disposal or treatment.</u></p> <p>6.6 <del>To support this disposal function, the County Council manages a network of 16 RCs, 17 Household Waste Recycling Centres (HWRC).</del> The WDA achieves this via a network of waste transfer stations and <del>household waste</del> recycling centres. 6. An increase in population within Hertfordshire as a result of new residential development is likely to require increased investment in waste disposal infrastructure.</p> <p>6.6.7 The impact of additional dwellings on waste management infrastructure will vary depending on the size of the development and its location. Therefore, it may be necessary to develop new infrastructure or improve existing infrastructure. For example, should an existing <del>HWRC</del> be identified as having insufficient capacity to accommodate increased usage due to additional dwellings, financial contributions will be identified towards increasing the capacity of the local service provision <u>such as -</u></p>	<p>Integrated into the next version of the SPD</p>

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		<del>For example, this may be achieved through</del> improvements to existing facilities or the development of a new <del>HWRC</del> .	
Section 6.6	17480	<p>The draft SPD notes that additional dwellings may impact waste management infrastructure and, should there be insufficient capacity to accommodate increased usage due to additional dwellings, “financial contributions will be identified towards increasing the capacity of the local service provision”.</p> <p>There is no information provided in relation to the potential financial contribution. For example, could the contribution apply to all developments irrespective of scale, or would it only apply to major developments of over 10 homes or over 0.5ha (in accordance with the NPPF definition of major development).</p> <p>No indication of the financial contribution has been provided in the draft SPD. These points together provide too much uncertainty.</p>	<p>The HCC Guide to Developer Infrastructure Contributions and accompanying appendices set out how contributions will be calculated towards waste management infrastructure.</p> <p>This Guide and appendices, are now signposted in the SPD for clarity. It should be noted however that the Guide was developed outside the formal plan-making process and its contributions were not tested through the Local Plan examination. As such, it is referenced and signposted where appropriate but without being formally endorsed or forming part of the ‘baseline’ viability considerations.</p>
Section 7 – Healthy Communities			
Paragraph 7.1.3	16813	<p><i>Local Plan Policy SP10 Healthy communities states that the Council will work with Hertfordshire County Council as the Local Education Authority, as well as other education providers to ensure sufficient school places to meet the needs of the population. This includes early years, primary, secondary and sixth-form education along with special needs services and facilities;</i></p> <p>Reference to “first, middle and upper” should also be included as three tier education system is present in Royston and Royston villages.</p>	Noted and paragraph now updated in line with the adopted Local Plan Policy SP10, which does not list different tier systems. This will ensure consistency with adopted policy.
Paragraph 7.2.1	16813	<p>Please make the following amends to para 7.2.1. It is deemed important to highlight that SEND contributions will be sought as well as mainstream education.</p> <p>7.2.1 Planning applications, especially those relating to the largest developments will be expected to contribute to education provision serving the development. This may include serviced land as well as financial contributions. Discussions should be undertaken at an early stage with Hertfordshire County Council to ensure appropriate and well-located facilities can be delivered in a timely way. This includes having regard to the Hertfordshire County Council Guide to Developer Infrastructure Contributions to determine the demand for <u>mainstream education, SEND school</u> and early years places based on forecasted child yield.</p>	Now included in the next iteration of the SPD.

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Section 7.2	16813	<p>Section 7.2 covers Education and Early Years. However, there is limited information on early years provision.</p> <p>HCC has several statutory duties regarding Early Years education, more information is found within HCCs Guide. HCCs duties are as follows</p> <ul style="list-style-type: none"> <li>• Duty to secure sufficient childcare for 0-14 year olds</li> <li>• Free Early Education (FEE) for 2-year-olds</li> <li>• FEE for 3- and 4-year-olds</li> <li>• Thirty hours free childcare for 3- and 4-year-olds</li> </ul> <p>A new additional paragraph for Early years could be included and follow the same structure as for other services;  <i>e.g. 7.2.4: Discussions should be undertaken at an early stage with Hertfordshire County Council to ensure that there is sufficient capacity of Early Years facilities to mitigate the implications of the proposed development. This includes having regard to the Hertfordshire County Council Guide to Developer Infrastructure Contributions to determine the level of contributions and/or facilities expected to be provided from the proposed development.</i></p>	Now included in the next version of the SPD
	16951	<p>The SPD outlines that where development is proposed in an area that currently has a lower quality of coverage, the Council may additionally seek contributions towards wider projects aimed at boosting high-speed communications coverage to help ensure that North Hertfordshire residents have the best possible access. It is not envisioned that there would be a circumstance where such a contribution would pass any of the tests for seeking a planning obligation. As development schemes will have to “plan-in the provision of high quality communications infrastructure”, a contribution to wider projects would not be required to make the development acceptable in planning terms and would not be directly related to the proposed development. It would therefore not be fairly or reasonably related in scale and kind to a proposed development. If such a contribution is to be sought, further evidence and information will be required within the SPD as to when and why such an obligation would be required to make a development acceptable and also on the potential scale of such a contribution with evidence of how it would be spent.</p>	Agreed. The previous para 7.10.3 relating to this has now been removed.
Section 7.3	17480	<p>The draft SPD is clear that “developments may be required to contribute to increasing the services and a capacity to accommodate the needs of any additional young people brought about through housing development”.</p> <p>However, it is unclear whether both minor and major developments may need to provide such a contribution and clarity should be provided. In addition, an indication of the likely contributions should be provided.</p> <p>It is noted that the Hertfordshire County Council (HCC) Guide to Developer Infrastructure Contributions SPD contains a section on youth provision and includes a financial contribution per home (with the size of contribution dependent on the size of</p>	No change required. As with other infrastructure types, the SPD provides coverage on contributions sought by other organisations. As such, the HCC Guide to Developer Infrastructure Contributions is referenced in the SPD in relation to youth provision.

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		the house). While the draft SPD recommends users 'have regard' to the HCC Guide to Developer Infrastructure Contributions SPD, there is no clear comparison between the two or intention that similar contributions should apply. If indeed, youth provision contributions will be sought through HCC, there is no need for it to also be contained within the draft SPD.	
Section 7.4	17480	Request for more information within the SPD on size thresholds for developments that would require on-site health facilities.	A level of flexibility is required to ensure that contributions towards healthcare can be obtained where needed. Nonetheless, no S106 agreement would be required for schemes of under 10 units in any case. Further to this, the adopted Local Plan includes site allocations that identify where health facilities will be required on-site.
Paragraph 7.46	16130	<p>Object – The text in the SPD acknowledges that in the context of new large residential developments it is more appropriate for S106 contributions to fund capital works rather than for example to fund digitisation of paper files to free up room to increase patient capacity.</p> <p>In such circumstances it remains the case that clearly costed justification must be made for such digitisation given the way in which capital projects can be costed and justified. As such we consider that the final sentence of paragraph 7.4.6 should be amended to read “If internal and external payment alterations are also required it would be more appropriate for Section 106 contributions to fund physical building works rather than the digitisation project itself provided that in both cases the reasoning and costs are fully justified in the context of the CIL Regulations”.</p>	Agreed and amendment made as suggested.
Section 7	9861	<p>This section highlights the challenge of this document, where there are very specific and understandable requirements for aspects such as health (although comments on this follows) and then very general text for the other requirements that provide no clarity on what may be required for what could be extensive contributions.</p> <p>Where reference is made to education, this can be the highest contribution sought and most complex where new schools are provided. This should be a joint piece with HCC setting out requirements, methodology, evidence and cost.</p> <p>With respect to health, this is a hugely complex issue with a range of bodies and agencies involved. It is unrealistic to require new GP provision, when this is completely out of the hands of the landowner, developer and the health authorities, as GP practices are generally private bodies and a new GP practice or additional GP</p>	The SPD signposts the HCC Guide to Developer Infrastructure Contributions where relevant. It should be noted however that the Guide was developed outside the formal plan-making process and its contributions were not tested through the Local Plan examination. As such, it is referenced and signposted where appropriate but without being formally endorsed or forming part of the 'baseline' viability considerations.

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		<p>numbers cannot be guaranteed. We agree and support the need for additional GPs and enhanced health facilities, but the provisions of this part of the SPD should be realistic and reflect the complexities of health delivery.</p> <p>Libraries (7.7) is a clear example of where HCC has a standard calculation that is used that could be incorporated in this document.</p> <p>When community centres (7.8) are discussed this refers to the freehold being transferred to the Council. The Council has recently disposed of its interest in some community centres and seeking to reduce commitments in a number of community halls and passed this on to local groups. If land and buildings are to be transferred to the Council this should incorporate clear covenants to ensure that they are used for no other purpose. It should however be recognised that the Council plays less of a role in the provision of community halls and there are other groups and organisations that can take these on.</p>	<p>The Council's Community Halls Strategy sets out the approach to the provision of community centres. This document is due to be updated in due course.</p>
Section 7.5	17480	<p>The draft SPD states "New developments will be expected to contribute proportionately towards the provision of additional facilities to meet future demands". The draft SPD states that the 'Indoor Sports Facilities Strategy and Action Plan' should be used to identify projects for future developer contributions. However, the document does not provide any information on the formula used to calculate a contribution. This should therefore be provided within the draft SPD along with clarification of which type of development will be required to provide a contribution. Without this, there is no certainty for developers, or NHDC, on what contributions can be secured through the SPD.</p>	<p>The SPD does not propose formula based contributions for indoor sports facilities however there is now an amendment at paragraph 7.5.2 stating: "The Council will use the Sport England Sport Facility calculator to inform calculations for the level of S106 to be sought for indoor sports and leisure facilities. It will identify relevant and appropriate projects to which contributions will be used in consultation with Sport England and by referring to the most up to date Indoor Sports Facilities Strategy and Action Plan."</p>
Section 7.5	979	<p>Section 7.5 does not provide any detailed guidance to provide clarity and transparency on the Council's approach to securing developer contributions for indoor sports facilities. It is therefore requested that the section is amended to provide more detailed advice covering the matters identified in the comments. This will help ensure that the approach set out in the SPD is consistent with the tests in Regulation 122 of the CIL Regulations and would reduce the risk of challenge in practice.</p>	<p>See above comment</p>
Section 7.6	17480	<p>The draft SPD states "The Council will seek contributions towards other public realm and public facilities...where necessary and reasonable". To provide developers with certainty, more information should be provided within the draft SPD. The text "where necessary and reasonable" provides no certainty for the</p>	<p>The Town Centre Strategies are due to be updated and will factor in such aspects.</p>

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		<p>developer, or indeed NHDC. A clearer assessment of which development sites are liable for this contribution would also prevent negotiation at the S106 stage. As a minimum, the type of site liable to pay the contribution should be identified (i.e. major or minor development, and commercial or residential development), and an indication of the amount of contribution should be provided.</p>	
7.6	16816	<p>While we welcome the discussion regarding the historic environment, we consider that the focus is too narrow in that it only refers to archaeology. Historic England advocates a wide definition of the historic environment which includes not only those areas and buildings with statutory designated protection but also those which are locally valued and important, as well as the landscape and townscape components of the historic environment.</p> <p>We therefore request that 7.6 is expanded to include built heritage (e.g. Listed Buildings and Locally Listed Buildings), and historic landscapes (e.g. Registered Parks and Gardens etc), and that the table at the start of section 7 is amended to include policies HE1 (Designated Heritage Assets), HE2 (Heritage at Risk), and HE3 (Non-designated heritage assets).</p> <p>Furthermore, to support the delivery of the Plan's heritage strategy it may be helpful to list other instances in which contributions may be sought. These included:</p> <ul style="list-style-type: none"> <li>• Repair, restoration and maintenance of heritage asset(s) and their setting;</li> <li>• Increased public access and improved signage to and from heritage assets;</li> <li>• Interpretation panels / historical information and public open days;</li> <li>• Production and implementation of up to date Conservation Area management plans and appraisals;</li> <li>• Measures for investigation, preservation and display of archaeological remains and sites;</li> <li>• Provision of local capacity for the storage of, and public access to, archives resulting from archaeological and/or historical investigation;</li> <li>• Dissemination of historic environment information for public/school education and research, including museum displays for popularisation of archaeological discoveries;</li> <li>• Sustainability improvements (such as loft insulation) for historic buildings;</li> <li>• Public realm obligations, including enhancement of historic squares and spaces, registered parks and gardens, historic pavement materials, street furniture, removal of street clutter and installation of sympathetic lighting etc.</li> </ul>	<p>Text has now been included accordingly and an addition included beginning with “Depending on the scale and nature of the scheme and to support the delivery of the Plan’s heritage strategy the following contributions may be sought ...”</p>
Section 7.8	17480	<p>The draft SPD states that the ‘Community Halls Strategy’ includes an Action Plan which informs the required developer contributions. However, the Strategy does not set out the relationship between planning permission for housing and the provision of town and village halls. This is the role of the draft SPD.</p> <p>Therefore, the SPD should be clear in which developments will be required to make a contribution towards community facilities and provide clear information on whether a formula will be provided to give developers certainty from the outset.</p>	<p>The Council’s existing Community Halls Strategy (2015) does set out the circumstances in which contributions will sought. This states that: <i>For any new housing developments impacting on the operational functionality of a local, existing,</i></p>

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			<p><i>community facility within the urban or rural areas we will look to collect developer contributions to be used towards improving the quality of that facility in the light of its physical condition as assessed within this strategy.</i></p> <p>The document also states that:</p> <p><i>For any major new developments creating new communities we will look for new centres or halls to be provided as part of the development taking into account existing facilities. For all other developments we will look to collect developer contributions to be used towards the extension or other improvement of existing facilities in order to allow them to deal with the expected increase in demands placed upon them.</i></p> <p>Nonetheless, given the age of the Strategy, the Council intends to update this document in due course.</p>
Paragraph 7.8.4	4970	The reference to Council in para 7.8.4 regarding transfer of asset should include North Herts Council and Parish and Town Councils	Now incorporated.
Section 7.9	17480	<p>The draft SPD notes that “contributions may be sought from development schemes which have the potential to increase the demand on the Hertfordshire Fire and Rescue Service”. No indication is given as to which scale of development are likely to increase demand on the service, even though this level of information must be known. For example, is a minor development of under 10 homes likely to cause an unacceptable increase in demand on the service or is it realistically just the larger scale developments?</p> <p>Similarly, no indicative costs have been provided against this contribution. This should be provided in the SPD to provide both developers and NHDC with certainty. Contributions may also be sought towards Policing, “where required and appropriate”. The SPD should provide clarification on when such a contribution would be necessary. For example, what scale of development is relevant and how does a development trigger it ‘appropriate’ for the contribution to be made or not.</p>	This information is provided in the HCC Guide to Developer Infrastructure Contributions and accompanying Technical Appendices, which is cross-referenced in the SPD.



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Paragraph 7.9.6	16813	<p>The wording at 7.9.6 ought to be made similar to other sections. HFRS as a service is now actively seeking financial contributions towards identified projects that are necessary to mitigate growth. I recommend the following amendments underlined;</p> <p>7.9.6 Contributions may be sought from development schemes which have the potential to increase the demand on the Hertfordshire Fire and Rescue Service (HFRS) as currently provided across the respective Council area. In those cases, HFRS may seek planning obligations towards fire and rescue services. <u>Discussions should be undertaken at an early stage with Hertfordshire County Council to ensure that there is sufficient capacity of HFRS facilities to mitigate the implication of the proposed development. This includes having regard to the Hertfordshire County Council Guide to Developer Infrastructure Contributions to determine the level of contributions expected to be provided from the proposed development.</u></p>	Now taken forward in the next version of the document.
Section 7.10	17480	<p>The draft SPD notes that, where development is in an area which currently has a lower quality of internet and mobile coverage, contributions may be sought towards projects aimed at boosting high-speed communications coverage. There is no further information provided on either which areas currently have a lower quality or what the contribution would be based on. Such information should be provided within the SPD in order to provide an indication of which sites may have to pay a contribution.</p>	This has now been removed from the document as not likely to be need.
<b>Section 8 – Natural Environment</b>			
Paragraph 8.28 onwards (BNG)	17478	<p>As noted by the NPPG, an SPD cannot introduce new policies. Therefore, until such time as the mandatory provisions of the Environment Act come into force, the Council cannot require developments to achieve at least a 10% net gain, and certainly could not withhold planning permission if a proposal did not achieve a 10% gain.</p> <p>Gladman would therefore suggest the above sentence at paragraph 8.2.8 should be tempered to make clear the 10% target is aspirational and not an absolute target. At paragraph 8.2.17 the requirement for a dedicated BNG plan (or proposed habitats plan) is outlined and further at 8.2.20 that the BNG plan will be subject to approval as part of any outline application. Gladman note this aspiration however, as an outline application may only seek to approve the principle of development, such a requirement would be more relevant at reserved matters stage. We would therefore</p>	<p>An amendment to the text has now been included for clarity to explain that the 10% is not yet formally enacted but will be strongly encouraged by the Council.</p> <p>In addition, the following text has now been added to the end of paragraph 8.2.23: ...'having regard to a site's overarching BNG strategy.'</p> <p>Due to masterplan requirements set out in Policy SP9 many larger outline</p>

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		<p>suggest greater flexibility based on the matters submitted for approval at outline stage and potentially use of planning conditions secure BNG at reserved matters stage.</p> <p>Further, at paragraph 8.2.23, the SPD refers to requirements for strategic and phased developments and the need for BNG reports to be submitted for all subsequent reserved matters applications. The Council should ensure that RM applications are assessed having regard to a site's overarching BNG strategy, which may recognise specific phases are not intended to contain BNG. This avoids the risk of assessments inadvertently requiring BNG to be 'topped up' even where measurable gains are already proposed to be achieved.</p>	<p>developments that are either strategic sites or significant development will be required to produce a masterplan that will be approved as part of any outline permission. This will be approving more than just the 'principle' of development. It will be approving a sound design framework to guide reserved matters and design quality as NPPF requires. Good practice guidance advises the frontloading of BNG into the planning process to mitigate risk of non delivery, which is what the BNG plan requirements are seeking to achieve.</p>
Section 8	9861	<p>This section is clearest example of text being included that is not needed with respect to obligations with extensive discussion on master planning principles, which should be part of other guidance or the Design SPD and not this document.</p> <p>This does however include clearer guidance with respect to open space, taken from the Fields in Trust guidance, which is not found in many parts of the document.</p>	<p>Given the time lag between the adoption of the Local Plan and the forthcoming SPDs (including the Biodiversity SPD and Design Code SPD), the intention is to provide additional guidance in this SPD on matters such as Biodiversity Net Gain and good green space design to inform the S106 process.</p> <p>The Council propose the continuation of the use of the Fields in Trust standards for the time being and these standards are employed by many other local authorities.</p>
Section 8	17466	<p>I call on the council to specifically call for no mains gas to be enabled in the large new estates in this SPD. The Council have declared a climate emergency, gas prices have risen significantly, alternative heating methods are available and building to Passivhaus or LETI standards makes gas unnecessary.</p> <p>Stating categorically that gas will not be enabled provides a powerful lever which will force developers to take insulation and draught proofing seriously and force modernisation of common practices.</p> <p>Hiding behind out of date Building Regulations is no longer acceptable. As little as 3 kilowatts of heating energy is required if these more modern standards (eg</p>	<p>This is a Building Regulations as opposed to a planning matter, however the forthcoming Sustainability SPD will include matters within the remit of planning.</p>

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		<p>Passivhaus or LETI) are adopted but developers can achieve a nominal 'zero carbon' specification while still requiring 10 to 15 kilowatt gas boilers.</p> <p>It is supposed to be government policy by 2025 for new builds but there is no reason why a no gas policy cannot be adopted sooner.</p> <p>The extra cost of achieving Passivhaus or LETI standards is in the region of £8k to £14k (according to LETI in 2019) but this price differential must be significantly reduced as energy prices have risen.</p> <p>I have trawled through, and word searched the latest version of the SPD and can find no mention of 'gas' or 'central heating'. Ditto the 'Herts Renewable &amp; Low Carbon Energy Technical Study' which is referenced in the SPD (Section 8.10) and is now 12 years out of date. I conclude that although the 'Study' calls for Zero carbon by 2016 on new builds the exact meaning of zero carbon is ill defined.</p> <p>There is the danger that on builds authorised before 2025 gas boilers will still be required and ultimately will need expensive retrofits to heat pumps etc in 2035 when gas is totally banned for domestic heating.</p> <p>The associated document, 'Strategic Environmental Assessment Screening Determination Statement for North Hertfordshire District Council Developer Contributions Supplementary Planning Document, states in Table 1 C: The SPD is highly relevant in terms of promoting sustainable development as it seeks to ensure the effective and consistent implementation of developer contributions policy. Surely this opens the door to justifying the banning of gas in the larger estates?</p> <p>The SPD calls for high speed data highways in these new estates. On the same basis mains gas could be forbidden.</p>	
8.2	16951	<p>The Draft SPD indicates that Biodiversity Net Gain (BNG) matters will generally be secured by condition, but that for off-site provision "The land will be subject to a S106 agreement or similar unilateral undertaking to ensure delivery of the biodiversity management". The SPD should provide clarity as to whether this would still be the case if the off-site provision is to be within 'blue land' within the control of the applicant, as denoted on an application's site location plan. CP consider that</p>	<p>The purpose of any condition would require an update to evidence how the phase of development was implementing the delivery of the BNG strategy and plan</p>

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		<p>in such a circumstance, provision could adequately be dealt with by the lesser requirement of a condition, and this should be reflect within the SPD.</p> <p>The document also sets out an expectation that the majority of strategic and phased development will require a resubmission of the BNG Report with each subsequent reserved matters application, with an updated BNG calculation and Habitats Plan. This statement requires further clarity. BNG is not a reserved matter and to try to apply it to a single phase can be exceptionally challenging. It is not clear if it would just be expected to provide a general update with each phase to ensure ongoing compliance or a full updated assessment and metric. It should be made explicitly clear, in order to ensure consistency with national legislation, that metrics would not be required to be updated after the outline approval. If a more up-to-date metric is required with more onerous assessment criteria, it could render further phases of a committed development undeliverable, which would not be appropriate and hinder the delivery of new homes.</p>	<p>Further detail will be provided in the forthcoming Biodiversity SPD. This will enable greater monitoring and surety of what is being delivered.</p>
<p>Paragraph 8.2.4</p>	<p>17473</p>	<p>I am greatly concerned by the wording of 8.2.4 in regards to buffers. I am well aware that developers will push for the minimal amount of buffers in any development. I think the wording should include non-designated sites that are biodiversity rich or contain important habitats/species as not all sites that have a large amount of species including protected species have been designated. As someone who has experience as a mammal recorder and been involved with protected species for a number of years, I believe it is important to be clear in regards to policies so that there are no loopholes.</p> <p>Non-designated sites could be clarified by local groups, such as badger groups, bat groups as well as Herts Environmental Record Centre.</p> <p>In regards to the buffers, wording should surely also include all connective features as this would cover treebelts that link one woodland habitat to another or an important wildlife habitat to the open countryside. Another concern that I have is in regards to the unclear wording around the 12m buffers. Again, I am more than aware that a developer will aim for as little as possible. Stating 12m around a hedgerow or woodland could be argued that this is a total, but where a site has a large number of species and wildlife corridors are of paramount importance, surely wording should state that in these cases a 12m buffer must be on each side of a hedgeline and on each side of a connective feature, so that everyone is clear as to the policy.</p> <p>Our biodiversity is in serious decline and we need to give it all the help we can. It is important that North Herts removes any possible loopholes and makes clear on all policies that will benefit our wildlife and result in a net gain, in line with the NPPF. As the new environment bill is not yet in place, I would strongly recommend that North</p>	<p>Further detail will be provided in the forthcoming Biodiversity SPD.</p> <p>Paragraph 8.2.4 repeats Local Plan policy and does not add to this.</p>

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		Herts includes in its wording that a minimum 10% net gain is necessary with all development sites in accordance with the NPPF and future bill.	
Paragraph 8.2.4	15505	<p>Incorporate 'non-designated' sites that include important habitats and species and connective features into wording of 8.2.4. Also include 12m complimentary habitat should be incorporated on either side of hedgerows and connective features in all wildlife rich sites to ensure a minimum of 10% net gain.</p> <p>Amend wording to state in accordance with the Environment Act 2021, the council requires all developments to achieve 10% biodiversity net gain.</p> <p>Utilise domestic features such as swift bricks, hedgehog holes and bat boxes.</p>	A clarification has now been added at paragraph 8.2.7 to explain this is in advance of the formal enactment of the statutory requirement.
Section 8	16700	<p><i>8.2.7 Whilst the Local Plan does not specify a target for BNG, the Council are taking a pro-active and masterplan led approach to encouraging new developments to achieve a net gain for biodiversity of at least 10%.</i></p> <p>NPPF 174 states that net gain is a requirement of planning. The Env Bill sets this level at a 10% uplift in ecological units. Under NPPF each LPA can set the net gain bar as high as it wants, it is not dependent on the Environment Bill to legitimise this figure. If you state 'the council are encouraging 10%' developers will ignore it and revert back to 0.000001% as net gain, until the Env Bill supporting legislation is enacted. Be more definitive here. Suggest change to:</p> <p><i>8.2.7 The local plan and NPPF state that net gain is a requirement of planning, which must be determined by utilising the Natural England Biodiversity Metric. In accordance with the Environment Act 2021, the council will require development to reach a minimum 10% uplift in habitat units to achieve biodiversity net gain.</i></p> <p>Minor changes/clarifications suggested below in underlined:</p> <p><i>8.2.14 Where it is apparent that the baseline habitat value of the site has been negatively affected prior to assessment, the Council will require an assessment of the site based on the habitat condition prior to any intervention (i.e. removal of vegetation). This could be based on previous aerial photography and environmental records. <u>Any negative habitat modification after January 2020 will refer to the worst case scenario habitat baseline at that date – in accordance with the Environment Act.</u></i></p> <p>8.2.15 A habitat baseline plan should be produced using the UK Habitat Classification<sup>[40]</sup>. This may be produced using information from the PEA Report or EclA Report. This should clearly show the habitat types and area and length of any habitat type or habitat parcel. A reference number for each habitat parcel should cross reference to the metric. Baseline maps showing linear features e.g., hedgerows, rivers</p>	<p>A clarification has now been added at paragraph 8.2.7 to explain this is in advance of the formal enactment of the statutory requirement.</p> <p>SPDs are unable to set policies or introduce new requirements, however an amendment has now been included, and paragraph 8.2.7 now states 'strongly' encouraging to bolster the sentence.</p> <p>The text shown for additions as underlined has now been incorporated.</p>

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		<p>and streams should be provided in spatially accurate digital drawings. <u>All habitat types selected must be justified with survey evidence i.e. species lists, relative abundances, community descriptions and photographs. These must correlate with UK Habitat Community descriptions. For the avoidance of doubt, National Vegetation Communities MG1, MG6 and MG10 must be recorded as other neutral grassland, in accordance with UK Habitat Community descriptions. All condition assessments must be supported by condition assessment sheets for each habitat parcel and justified with survey evidence. Unrealistic condition scores in the time available, flagged by the submitted metric, will not be accepted. Habitat enhancement will only be permitted within the same habitat type, e.g. grassland to better quality grassland (improving low value habitats to medium value habitat and above should always be recorded as habitat creation).</u></p> <p>8.2.17 A BNG plan (or proposed habitats plan) should be provided that clearly cross references to the individual lines of the metric habitat calculations. It can be based on the site layout plan, illustrative masterplan, strategic masterplan or green infrastructure parameter plan depending on the nature of the planning application.</p> <ul style="list-style-type: none"> <li>• Utilise domestic scale features to support wildlife, such as <u>integrated</u> bat and bird boxes/bricks and invertebrate boxes<sup>[42]</sup></li> </ul>	
Section 8.4	979	<p>Support is offered in broad terms for the approach to providing for outdoor sport in new development set out in section 8.4 especially the use of the Council's Playing Pitch Strategy &amp; Action Plan to inform provision and Sport England's Playing Pitch Calculator to calculate demand. However, comments are made in relation to the continued reference to the use of the Fields in Trust standards for application to playing pitches/other outdoor sport, the need to update the Playing Pitch Strategy &amp; Action Plan to use the Playing Pitch Calculator and the accuracy of paragraph 8.4.6.</p>	<p>It is acknowledged that there can be conflicts between the Fields in Trust standards and other standards available.</p> <p>Any discrepancies between the requirements arising from the Fields in Trust standards vs the Sport England calculator will be considered on a case-by-case basis having regard to local circumstances, provision and priorities.</p>
Section 8.4	16951	<p>The Draft SPD advises that the Council's Open Space Assessment (2022) has updated the Open Space Review (2016), but that this is still pending publication. A footnote advises that the new Assessment is anticipated to be published in December 2022. The SPD indicates that this Assessment will be accompanied by a series of 'Settlement Profiles' which will provide a more localised analysis of open space provision to help inform decision-making on open space provision on a site-by-site basis. However, it also states that the Council is using the Fields in Trust (FiT) Guidance, November 2020. It is therefore unclear if the intention is for the new</p>	<p>The use of the Fields in Trust Standard was agreed at Cabinet in July 2021 for the interim. The Fields in Trust standards are a nationally recognised and widely used standard for open space provision.</p>

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		<p>Assessment to provide new and local standards which will supersede the FiT guidance.</p> <p>Presently this creates an uncomfortable level of uncertainty regarding required future open space standards and could mean that developers are progressing layout plans and arrangements at significant risk, as it is not known if the localised requirements will be substantially different. Developers have already seen such a recent notable change when the LPA, without any public consultation, agreed to revert to using Fields in Trust standards rather than their own 2016 Open Space Review standards. If there is to be further change, clarification must be provided as soon as possible to limit abortive work and provide clarity on how schemes will be assessed.</p>	<p>The Council intend that the Fields in Trust standards will remain in place for the time being.</p> <p>An update to the Open Space Audit was undertaken to review the districts' provision against the FIT standards and this work has not introduced new standards, just clarity on typologies, quantitative and spatial provision and where deficiencies are located. The settlement profiles are available on request and will inform decision-making on masterplanning and planning applications on the form and location of open space.</p> <p>Text has been amended at the final bullet point at paragraph 8.4.6 accordingly.</p>
Paragraph 8.5.3	16813	<p>Paragraph 8.5.3 numbering appears to be missing for the following paragraph:</p> <p><i>Where SuDS are required, on-going management and maintenance arrangements will need to be demonstrated.</i></p>	<p>Now included in the next iteration of the SPD.</p>

### Appendix B: February–March 2020 consultation responses

Subsection	Comment ID's	Summary of comments	Actions
Section 1 – Introduction			
Generic	8428; 8437; 8425; 8359	Outside of support and requests for continued updates, requests are made for clarity regarding the nature of development contributions which may be sought and what the term 'correct at the time of writing' means. A further specific request has been made to re-term parts of the flowchart on the final page (from 'completion' to 'agreed form').	References to 'correct at time of writing' deleted and replaced left as 'subject to change'. Wording of flowchart adapted as per suggestion.
1.3	8430; 8428	Request for formulaic approach to contributions. Comment that the document fails to address the relationship between contributions and CIL, and when and whether CIL will be introduced. A further request made to repeat the tests of obligations in paragraph 1.3.5	No action on formulaic contributions. CIL is currently being researched and will be reported on in the future, the SPD cannot predict the outcome of this process. Tests of obligations re-referenced in 1.3.5.

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1.5	8438; 8431	SPD should not be adopted until after adoption of ELP. SPD should confirm a case by case basis is adopted to the applicability of the current SPD and any HCC documents as and when they are adopted.	We will review the options for adoption of the SPD based on progress of the ELP. The weight applied to HCC documents will be based on their progress. No action required in SPD document itself.
1.6	8437; 8431	Welcomes CIL. Suggests SPD should emphasise there is no scope for developers with existing S106 to be asked to make CIL payments as well.	The technical application of CIL will be examined as and when it is considered for adoption by the Council following a forthcoming recommendation. No action required in the SPD.
1.9	8430; 8360; 8427; 8429; 8433; 8437; 8438.	£150,000 limit contradicts 7.4.4. Police and Crime Commissioner for Hertfordshire could be added to list of providers. Clarity requested on third party signatories, collection, distribution and return of unspent contributions	Figure corrected to £250,000. Clarity added in section 1.9.1, 1.9.2 and 1.9.3.
1.10	8430	Clarity on when the Infrastructure Development Plan will be updated with a timetable	No action required.
1.11	8430; 8426; 8433; 8438	Re-wording, partial deletion, further explanation requested	Partially actioned to add some clarity to the purpose of the section (1.11.2)
Section 2 – Process, Procedure and Management			
2.1	8444; 8448; 8450; 8463; 8471;	Suggested additional providers, re-wording requested to put responsibility for HoT on the Council, suggesting draft viability appraisal not always possible at pre-app stage and is not a land use issue.	Amendments made to provide clarity and loosen wording where required to resolve issues raised. (2.1.2 & 2.1.3)
2.2	8471; 8470; 8463; 8450; 8448;	Contradiction raised with 2.1.3, requirement for agreeing terms of S106 before committee impractical, formulaic approach reiterated, obligations must meet tests, amendments requested for clarity, County Councils legal costs should be covered.	Contradiction resolved, section added regarding tests of conditions, amendments for clarity added. County Council costs request added. (2.2.2, 2.2.3 & 2.2.8)
2.3	8457; 8450; 8448	Should viability data be public, comments made on factors of viability, circumstances are flexible and changeable.	Clarity on why viability public added. (2.3.5). No other action required.
2.4	8457; 8450	Methodology and triggers should be clear in the SPD, inappropriate to use review mechanism on small and medium sized developments	Addition to state mechanisms by their nature bespoke to the circumstances of the viability issue in each development. (2.4.3) No other action required.
2.5	8457; 8450; 8448	HCC contributions represent priority matters to make development acceptable, policies are the basis of contributions, contributions need to be fair.	No action required.
2.6	8470	County Council legal fees also payable.	Amended to account for this (2.6.1)
2.7	8450	Monitoring costs should be published at an hourly rate, report to Area Committee should include unspent contributions.	No action required, many different skills and skill levels may be required in monitoring, and report will be based on and include regulatory and legislative requirements in place at the time of the report.
2.8	8471;	Suggested re-wording of 2.8.1.	No action required, re-wording more vague and confusing, no harm resultant from existing wording.
Section 3 – Economy and Town Centres			



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3.2	8439; 8458	Clarity on what is larger sites, document should recognise that economic appraisal may be required where development would harm local economy	No action required, definition of larger sites present, harm is a policy issue, not related to contributions.
3.3	8445; 8451; 8464	Criteria for schemes to contribute to public realm, how can the applicant complete works outside of their control, contributions need to meet tests of conditions, town centre developments should have lesser contributions than out-of-centre developments, contributions should be sought for policing works to ensure security.	Minor clarification made to 3.3.4. No other action required.
Section 4 - Transport			
Generic	8424	Please add DFT Circular 02/2013 to the opening table at chapter 4 Transport, under other relevant Strategies & Guidance	Actioned.
4.1	8440; 8466	Herts Highways not consulted on all applications, if sustainable transport contributions render a scheme unviable, such developments should not go ahead	'for which contributions may be required' added for Herts Highways consultation (4.1.3). No other action required.
4.2	8472; 8466; 8459; 8452	Requests made should be reasonable and not impact on delivery, engagement of all parties early on should be reiterated, HCC guide to developer contributions not yet final, transition period suggested, HCC should be identifying schemes, not developers, S278 can be used in combination with grampion condition as well as in conjunction with S106, Roads in Herts suggested to be re-referenced in the SPD, clarification on non-financial contributions, all obligations should meet the tests of obligations	Change in reference to Roads in Hertfordshire actioned (4.2.2). Clarification added on use of S278 with Grampion conditions (4.2.3). Reference to CPZ in non-financial obligations removed as required financial contributions (4.2.6). No other action required.
Section 5 - Housing			
5.2	8460; 8453; 8441	Increased off-site provision could incentivise the Council to agree. Location of donor sites may not be feasible or desirable in rural areas. BPC object to case-by-case approach for affordable housing occupation restrictions. Details of commuted sum calculation required. Why commuted sum based on 2-bedroom houses. Costs related to C2 provision higher and could impact viability. Commuted sums should be spent in area collected. All affordable housing should be social rent. LGC Housing Needs Survey should be included. Reference to existing circumstances could cause later confusion. M4 (2 & 3) accommodation should be provided across tenures. Question validity of 5.2.65. LHF request more stringent prioritising of LGC residents. There is no justification for rounding up to the nearest whole figure. No precise policy justification for higher affordable housing provision required where provided off-site. No reference in Local Plan to it being necessary to introduce rental caps below 80%. 65:35 split for affordable housing is a starting point for negotiation in the policy.	Clarity added on endeavours to spend commuted sums close to sites contributing (5.2.33) Word requires changed to expects (5.2.42) to reflect main modifications on ELP. Explanatory paragraph added (5.2.55) showing how existing circumstances may change and enforcing the point the SHMA is a starting point, not definitive. M4(2) will be distributed across all tenures. M4(3) should only be housing where DC responsible for nominating tenant for reasons set out in LP. Partial deletion of 5.2.60 for clarity. 5.2.64 – sentence added for clarity of equal distribution of AH along phases. No other changes required.

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5.3	8473; 8453	Mechanisms should also be in place to prevent these plots to be sold for speculative development. Further mechanisms should prioritise marketing to local people. Question the need to restrict palette choice as this may restrict innovation. Flexibility in allowing all self build plots to be made available by 50% completion on-site. Protect developers against partially built self-build.	No changes required. Wording already very flexible, no reference to 50% trigger point.
Section 6 - Design			
6.3	8454; 8461	Materials should be sourced from sustainable materials. Conditions and obligations should meet relevant tests.	Added to 6.3.1. No other change as cannot repeat tests ad-infinity
6.6	8468	The last sentence of paragraph 6.6.4 makes reference to Hertfordshire Waste Recycling Centres. These should be called Household Waste Recycling Centres (not Hertfordshire).	6.6.4 changed to reflect.
Section 7 – Healthy Communities			
7.1	8455	Include North Herts College as key stakeholder. no provision to require developers to contribute to training and apprenticeship programmes. The current text places a reliance on Youth Connections, should in the future this no longer exist, an alternative mechanism should be in place.	No changes required. No reference to Youth Connections found. Apprenticeships within the build out referenced earlier in the SPD.
7.2	8447; 8467; 8475	Suggested amendments – the provision and/or contributions towards the serviced land may also be required, to be determined on a case by case basis. “Education and early childcare facilities”. Instead this should read “Education and early childcare years facilities”. “...the demand for school and nursery places...”. This should read “...the demand for school and nursery early years places...”. “...be it expansion to an existing school or a new school, then serviced land will also be required.” This should have the following added and read; “...be it expansion to an existing school or a new school, then serviced land will also be required, which will be expected to adhere to Hertfordshire County Councils land specification.” Developers may be liable to contribute land as well as financial contributions. This approach is unreasonable, and should be reviewed. The developer is entirely within their right to recover relevant land value for alternative purposes associated with infrastructure that is not solely required in respect of their site.	7.2.2 partially changed in light of this request. 7.2 title changed to reflect. Amendment made to 7.2.1. Amendment made to 7.2.2. 7.2.3 already covers this point, no amendments required.
7.3	8467	The youth section needs a paragraph referring to HCC as has been included within other sections. ‘Discussions should be undertaken at an early stage with Hertfordshire county Council to ensure that there is sufficient capacity of youth facilities to mitigate the implications of the proposed development. This	Added at 7.3.2

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		includes having regard to the Hertfordshire County Council Guide to Developer Infrastructure Contributions to determine the level of contributions expected to be provided from the proposed development.' [footnote reference URL]	
7.4	8475; 8462; 8455	Referring to the current edition will cause confusion at later date. Object to the use of developer contributions to fund record digitisation. Evidence of the expenditure of any health contributions should be provided to an applicant for the purposes of transparency and accountability. What is meant by 'largest developments'? Occupiers may be already be resident within the Health Authority area, so no additional burden. Emphasise the tests of obligations.	Definition of 'larger sites' added (7.4.1) Correct at time of writing changed to details subject to change over time (7.4.2) No other change required
7.5	8361; 8362	Section 7.5 does not provide any detailed guidance to provide clarity and transparency on the Council's approach to securing developer contributions for indoor sports facilities. It is therefore requested that the section is amended to provide more detailed advice covering the matters identified in the comments.	No change implemented.
7.6	8455; 8467	Include a reference to contributions to enhance and expand existing facilities, should this be appropriate. The reason for this is because new finds of significant archaeological material may not be sufficient on their own to warrant a new facility and may put enormous pressure on existing facilities. Request for reasonable to be added to 7.6.4.	To enhance and/or expand existing facilities added (7.6.3) Reasonable added to 7.6.4
7.8	8455; 8442	the proposals for developer support of ongoing management arrangements, for example for community hubs is far too vague. As with the proposals in 8.2.4 the commitment to ongoing management should be for 10 years, or more. Not support the freehold transfer of community buildings on its development site.	In most instances added to secure that not transfer not a blanket requirement (7.8.4) Section added to 7.8.4 to make it incumbent on the developer to evidence management arrangements are proportionate and sustainable in the long term.
7.9	8455; 8446	It is not the role of the planning system to secure policing numbers. {NEW} Police services are provided through the Office of The Police and Crime Commissioner for Hertfordshire and contribute to the overall well – being of local communities. Police infrastructure comprises fixed property and technology assets; and human resources, which includes Local Community Policing, victim support, and crime reduction initiatives such as use of CCTV. These can arise either locally, or as a result of cross – boundary considerations where scale and efficiency of operation require policing facilities to be located out with the boundaries of the local authority. The Council will therefore require development, where required and appropriate, to contribute towards the delivery of policing	New paragraph added as provides clarity on reasons for contributions (7.9.7)

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		<p>infrastructure to serve new developments and mitigate against their impact upon existing police resources. {END}</p> <p>To assist with the proper design of new communities, and in addition to the wider range of policing infrastructure, HC are able to advise on design. This is in line with Local Plan Policy D1 Sustainable Design, and applicants should demonstrate that opportunities for crime and anti-social behaviour have been designed-out. Hertfordshire Constabulary will be consulted on planning applications where it is considered that there may be an impact in terms of community safety.</p>	
7.10	8447; 8455; 8467	<p>This paragraph ought to go further referencing Full Fibre and Gigabit Capable coverage which would be in line with new Government targets. Should be all new major development. Contributions for boosting high-speed communication coverage is not supported by a policy and offers lack of clarity associated with what may be sought or the scale of the contribution.</p>	'All' added instead of 'most large' (7.10.2)
Generic	8467	<p>HFRS should be included in SPD as capacity is affected by additional development demands.</p>	Paragraph 7.9.6 added.
Section 8 – Natural Environment			
8.2	8456; 8447	<p>Clarity should be provided as to which requirements can be dealt with by way of condition and by legal obligation. This should specifically mention the requirement for developments to achieve biodiversity net-gain, with a hierarchical approach, with on-site mitigation a priority, and off-site compensation/contribution a last resort.</p>	Clarification added 8.2.2. Reference to net gain added to 8.2.1.
8.3	8469	<p>The SPD document should include measures to conserve and enhance the historic as well as the natural environment of this site. Note that Therfield Heath is an archaeological site.</p>	No change required.
8.4	8476; 8465; 8456; 8443; 8366; 8365; 8364; 8447	<p>Paragraphs 8.4.14-8.4.18 only provide limited guidance to provide clarity and transparency on the Council's approach to securing developer contributions for outdoor sports facilities. Objection is made to the proposal in paragraph 8.4.4 to all schemes having regard to a standard of 1.6 hectares per 1000 population for outdoor sport which would be used for quantifying provision in new development. However, the use of this standard is not consistent with the Council's Playing Pitch Strategy which also forms part of the Council's local plan evidence base, and which did not advocate the use of a generic outdoor sports standard for applying to new development. It is therefore requested that the standard is removed from the SPD and replaced with amended guidance.</p> <p>No standards are being set for the protection of green corridors which are to be considered on a case by case basis. A clearer</p>	<p>Units of measurement added in 8.4.2</p> <p>Clarity added to 8.4.18</p> <p>Clarity on S106 role added to 8.4.21 and 8.4.23</p>

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		<p>commitment is needed with regards the standards review. The provision of strategic open space should attract contributions from projects across the area as it will be accessible to all. Examples of exemption cases should be provided. Clarification should be provided as to the role Section 106 agreements can play in securing aspirations. Table to be amended to show the units of measurement and annotate or remove the footnote. 'For larger or strategic sites, the ten-year timeframe will also apply', provides certainty by deleting may be extended. Suggest developers use Biodiversity Metric 2.0 to quantify biodiversity net-gain.</p>	
8.6	8447	<p>Would like a policy for large scale re-wilding schemes, chalk stream restoration, and natural flood management.</p>	<p>No change required, SPD not appropriate for specifying projects, case-by-case.</p>
8.8	8423; 8447	<p>It is therefore proposed that para 8.8.4 is amended as follows: '8.8.4 Mechanisms for delivering any necessary new or improved water and/ or wastewater infrastructure, including foul water treatment and drainage disposal, may be required via planning conditions and/or legal agreement in accordance with Local Plan Policy NE10 Water Conservation and wastewater infrastructure.'</p> <p>Contributions could be sought for water companies to undertake habitat restoration and other measures to improve ecology.</p>	<p>8.8.4 altered to align with proposed new wording. Habitat restoration and ecology improvements are covered by earlier sections.</p>
8.10	8456	<p>Any LPA requirements must reasonably relate to a proposal to secure legal compliance.</p>	<p>No change required, no repetition of Obligation requirements.</p>

**5. Recommendation**

- 5.1. Following the formal consultations, all recommendations have been fully considered. Some have been actioned to take account of any discrepancies, others to provide clarity on the intention of a particular section. Where not pertinent to the specific aims of the SPD, or where requests for alterations were too specific for the broad nature and remit of the SPD, the proposed modifications have not been actioned.
- 5.2. Following a wide consultation and review of representations, it is recommended that the SPD, as modified under the powers of S23(1) of the Planning and Compulsory Purchase Act 2004 (as amended), is presented to Cabinet with a resolution to adopt.