



Report to: Cabinet Meeting: 9 June 2026
 Portfolio Holder: Councillor Claire Penny, Sustainable Economic Development
 Director Lead: Matt Lamb, Planning & Growth
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Report Summary	
Type of Report	Open Report / Key Decision
Report Title	Supplementary Planning Documents
Purpose of Report	To set before Cabinet the results of the consultation on the Draft Interim Affordable Housing Supplementary Planning Document (SPD) and the Draft Developer Contributions & Planning Obligations SPD and to agree a course of action regarding the SPDs.
Recommendations	That Cabinet: a) agree the results of the consultation and the Council's proposed responses contained in Appendix 1; b) agree the proposed approach to affordable housing SPD set out at paragraph 2.5; and c) approve the adoption of the Developer Contributions & Planning Obligations SPD as set out at Appendix 2 as a Supplementary Planning Document.
Alternative Options Considered	As Cabinet had agreed to prepare and consult on the two SPDs careful consideration was given to next steps following the receipt of the consultation responses. It was concluded that the proposed approach set out in the report is the only feasible approach.
Reason for Recommendations	To allow the District Council to adopt the Developer Contributions & Planning Obligations SPD.

1.0 Background

1.1 The Government has legislated that as part of the new plan making system SPDs cannot be adopted after the 30 June 2026. Cabinet agreed at the 24 February meeting that in advance of this deadline that the updating of two existing SPDs should be prioritised.

This was because the Affordable Housing and the Developer Contributions & Planning Obligations SPD support the delivery of, affordable housing, important facilities and infrastructure that help create sustainable communities.

1.2 Following agreement by Cabinet public consultation was undertaken on the draft Developer Contributions & Planning Obligations SPD and the draft Interim Affordable Housing SPD from 31st March to 25th May 2026.

1.3 The Council has received a small number of consultation responses regarding the Draft SPDs. The majority of respondents have confirmed that they have no comments. A small number have provided substantive comments The details of these consultation responses are contained in **Appendix 1** in a consultation responses document.

2.0 Public Consultation Responses and Next Steps

2.1 Whilst only a small number of substantive comments have been received including two from Pegasus Group on behalf of William Davis Ltd, one for each SPD. These responses challenged the legality of the SPDs, because they include reference to emerging policy within the proposed Amended Allocations & Development Management DPD which has not yet been adopted and felt that the SPDs were attempting to introduce planning policy through the SPD. These consultation responses were received a few days before the close of consultation. These response were considered at Planning Policy Board, and the Board endorsed an approach to seek further legal guidance on the matter.

2.2 It is important at this point to understand the policy basis on which the SPD's have been advanced:

- The Draft Interim Affordable Housing SPD seeks to provide guidance on the implementation of Affordable Housing policy in the context of Core Policy 1 (and to a lesser extent Core Policy 2) in the Adopted Core Strategy being replaced by a new Core Policy 1 in the Amended Allocations & Development Management DPD and numerous changes to National Planning Policy Framework.
- The Draft Developer Contributions & Planning Obligations SPD supports Spatial Policy 6 Infrastructure for Growth in the Amended Core Strategy and Policy DM3 Developer Contributions and Planning Obligations which is in the Allocations & Development Management DPD and the amended version which is in the Amended Allocations & Development Management DPD (currently still under examination).

2.3 Officers have received clear advice that in their current form the SPDs could not be adopted lawfully. This is principally because the Council cannot rely on the emerging policy in the Amended Allocations & Development Management DPD (hereafter the Draft DPD) in preparing the SPDs. Whilst the stage that the Draft DPD has reach can afford policies some weight (see NPPF paragraph 49) this does not mean that the SPDs can treat them like formal adopted planning policy. In short order the SPDs have to be supplemental to an adopted DPD policy.

2.4 As previously explained in an ideal circumstances the SPDs would follow on from the Draft DPD being finalised and adopted however this has not been possible, due to the delay in the examination of the Draft DPD compounded by the imposition of the

arbitrary 30 June 2026 deadline for new SPDs. Therefore, if the current versions of the Draft SPDs are not adoptable consideration needs to be given to if they could be with suitable amendments.

Interim Affordable Housing SPD

- 2.5 Considering the policy basis outline in paragraph 2.2 above and the legal position of SPDs, whilst the intention to provide interim guidance on affordable housing would be particularly helpful, it is clear that this is not possible through an SPD process. It is proposed that officers will look to prepare informal advice at a later date once local and national policy has become formalised. Officers will report back on this matter to Cabinet in due course.

Developer Contributions & Planning Obligations SPD

- 2.6 As outlined in paragraph 2.2 the Draft Developer Contributions & Planning Obligations SPD is based firstly on existing adopted Planning Policy – SP6 and Policy DM3 – and the amended version in the Draft DPD. Whilst the Draft DPD version of Policy DM3 is the focus of the SPD currently, it could with amendment to feature the current adopted Policy DM3 from the Allocations & Development Management DPD and meet the legal requirements. It should also be noted that the latest evidence on developer contributions has informed the content of the SPD.
- 2.7 The impact of the Adoption of the Draft DPD would of course have an impact with the current version of Policy DM3 being superseded, however Spatial Policy 6 would remain in place and would continue to be the SPD parent policy. The new proposed Policy DM3 states that “Planning applications will be expected to demonstrate consideration of identified site-based infrastructure needs and make clear how these needs will be met, guided by the Council’s latest, most up to date evidence.” We believe that as the SPD is based on up-to-date evidence then this content is not affected by whether Policy DM3 had been updated or not.
- 2.8 Therefore, the Draft SPD has been amended to address the comments raised by the William Davis representation and those issues by Nottinghamshire County Council, is attached at **Appendix 2**.

3.0 Implications

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Implications Considered			
Yes – relevant and included / NA – not applicable			
Financial	Yes	Equality & Diversity	n/a
Human Resources	n/a	Human Rights	n/a
Legal	Yes	Data Protection	n/a
Digital & Cyber Security	n/a	Safeguarding	n/a
Sustainability	n/a	Crime & Disorder	n/a

LGR	n/a	Tenant Consultation	n/a
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Financial Implications (FIN26-27/7853)

- 3.1 No direct financial implications have been identified in this report. The updated SPD will set out how the Council will go about securing financial contributions in relation to affordable housing and infrastructure. These contributions will be reported in the Infrastructure Funding Statement which is published by the Council every December.

Legal Implications (LEG2627/9254)

- 3.2 The legal basis for the recommendations is clearly laid out in the report. The consultation process was followed correctly and responses have been duly considered by Officers. The recommendations reflect consultation responses and the Legal advice provided to ensure lawful adoption of the Developer Contributions and Planning Obligations SPD.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None