

Appendix 1



**AFFORDABLE HOUSING
SUPPLEMENTARY PLANNING DOCUMENT
and
DEVELOPER CONTRIBUTIONS & PLANNING
OBLIGATIONS SUPPLEMENTARY PLANNING
DOCUMENT**

Statement of Consultation

May 2026

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1.0 Introduction

1.1 This statement sets out the methods of consultation and representation and main issues on a stage-by-stage basis. It has been produced in accordance with Regulation 12 and 13 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (identified hereafter as ‘the Regulations’). The full consultation response for each document is included as an appendix to this report. The Council’s Statement of Community Involvement (SCI), adopted in June 2024, sets out the approach to consultation.

1.2 To accord with the Regulations, before a local planning authority adopt a supplementary planning document it must—

(a) prepare a statement setting out—

(i) the persons the local planning authority consulted when preparing the supplementary planning document;

(ii) a summary of the main issues raised by those persons; and

(iii) how those issues have been addressed in the supplementary planning document; and

(b) for the purpose of seeking representations under regulation 13, make copies of that statement and the supplementary planning document available in accordance with regulation 35 together with details of—

(i) the date by which representations must be made (being not less than 4 weeks from the date the local planning authority complies with this paragraph), and

(ii) the address to which they must be sent.

1.3 Representations on supplementary planning documents

In accordance with section 13 of the Regulations, any person may make representations about a supplementary planning document; and any such representations must be received by the local planning authority by the date specified pursuant to regulation 12(b).

1.4 Adoption of supplementary planning documents

As soon as reasonably practicable after the local planning authority adopt a supplementary planning document they must—

(a) make available in accordance with regulation 35—

(i) the supplementary planning document; and

(ii) an adoption statement; and

(b) send a copy of the adoption statement to any person who has asked to be notified of the adoption of the supplementary planning document.

Table 1: Summary of Consultation Groups and Methods

Consultation Group	Method of Consultation
Specific and general consultation bodies (including statutory consultees)	These were sent an electronic or paper copy of the document together with comment forms
General Public	The document was placed on deposit at the District Councils Offices, website, Parish and Town Councils and public libraries throughout the District. Comment forms were made available in the same way. Notices were placed in local press and advertised on social media.
Town & Parish Councils & Meetings	These were sent an email with a link to the document.

2.0 Interim Affordable Housing Supplementary Planning Document (SPD)

2.1 Following Cabinet approval in March 2026, the District Council placed the Draft Interim Affordable Housing SPD on deposit from 31st March 2026 to 25th May 2026. The document posed a series of questions regarding the Draft SPD. A total of 7 responses were received of which only 2 consultees made substantive responses.

Who was Consulted?

2.2 The specific and general consultation bodies identified within The Regulations together with other bodies and individuals who had previously registered an interest in the process were sent direct consultations. The information was also published on the Council's website.

How was the Consultation Undertaken?

2.3 On publication of the Draft SPD, emails or letters were issued notifying all interested parties whose details were retained on the Council's consultation database of the period of consultation, with a web-link to the document, Representation Form, Statement of Representation Procedure, Representation Guidance Note, Statement of Fact Notice, and supporting evidence base documents being included.

2.4 The document was made available for general consultation by being placed on deposit at the District Council's Offices, website, Parish and Town Councils and public libraries within the District. A comments form was prepared specifically for this stage in the process and this was made available in the same way. This was publicised by notices in local newspapers.

What were the Main Issues Raised?

2.5 The main issue raised was:

- **Legality** - the extent to which given the status of the Amended Allocations & Development Management DPD policies – not yet adopted policy – meant that the SPD could not be legally adopted.
- **Rural Affordable Housing** - a request for existing Affordable Homes that are marketed for sale or rent to be sold to, or rented by occupants meeting the definition of local need/connection

2.6 The full Summary of Consultation Responses is included within Appendix A.

3.0 Developer Contributions & Planning Obligations SPD

3.1 Following Cabinet approval in March 2026, the District Council placed the Draft Developer Contributions and Planning Obligations SPD on deposit from 31st March 2026 to 25th May 2026. The document posed a series of questions regarding the Draft Developer Contributions and Planning Obligations SPD. A total of 8 responses were received of which 4 consultees made substantive responses.

Who was Consulted?

3.2 The Council consulted the specific and general consultation bodies identified within The Regulations together with other bodies and individuals who had previously registered and interest in the process. These were sent either an email or a letter setting out the availability of the document and the consultation timescale along with details on how to respond to the consultation.

How was the Consultation Carried Out?

3.3 On publication of the Draft SPD, emails or letters were issued notifying all interested parties whose details were retained on the Council's consultation database of the period of consultation, with a web-link to the document, Representation Form, Statement of Representation Procedure, Representation Guidance Note, Statement of Fact Notice, and supporting evidence base documents being included.

3.4 The document was made available for general consultation by being placed on deposit at the District Council's Offices, website, Parish and Town Councils and public libraries within the District. A comments form was prepared specifically for this stage in the process and this was made available in the same way. This was publicised by notices in local newspapers.

What were the Main Issues Raised?

3.5 The full consultation responses document at Appendix B but a summary of the main issues include:

- **Legality** - The extent to which given the status of the Amended Allocations & Development Management DPD policies – not yet adopted policy – meant that the SPD could not be legally adopted.
- **Heritage** – Request for Heritage Assets to be included in the list of elements that developer contributions will be used to fund.
- **Nottinghamshire County Council** – have suggested a small number of amendments to reflect their role in the process.

Appendix A. Interim Affordable Housing SPD Responses

Respondent	Response	NSDC Comment
National Highways	No comments	
Coal Authority	No comments	
Health & Safety Executive	No comments	
Historic England	No comments	
Canal & River Trust	No comments	
Farndon Parish Council	<p>Members are aware from other rural exception sites in the District that a Section 106 Agreement has been entered into to ensure that houses are allocated to those with a local need/connection.</p> <p>Unfortunately, while this appears to work when any houses are originally allocated, that connection seems to disappear as the properties change hands over time.</p> <p>Members would wish to see included in the policy that properties were protected in perpetuity for local need/connection.</p>	Noted a local connection is the preferred starting point, but in some circumstances to ensure the property is occupied more flexibility may need to be shown.
William Davis (Pegasus Planning)	<p>The Draft Interim SPD goes beyond the legal scope of an SPD, by introducing new planning policy and by seeking to provide detailed advice and guidance on policies which are not part of adopted policy. The contents of the SPD do not therefore meet Government guidelines and are potentially legally flawed.</p> <p>Our key concerns are explored below.</p> <p>Procedural / Legal Concerns</p> <p>The Government’s Planning Practice Guidance sets out the role of Supplementary Planning Guidance as follows: “Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form</p>	Noted – Given the issues highlighted by the representation the District Council has decided not to pursue the adoption of the SPD.

part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development". (emphasis added). (Paragraph: 008 Reference ID: 61-008-20190315).

The scope of SPD has already been tested through the courts, notably in the High Court case brought against Charnwood Borough Council by William Davis, Bloor Homes, Jelson Homes, Davidsons Homes and Barwood Homes reference: [2017] EWHC 3006 (Admin) www.bailii.org/ew/cases/EWHC/Admin/2017/3006.html.

It is noted that at paragraph 1.1 of the draft document that the SPD is intended to support, and should be read in conjunction with, the adopted Amended Newark and Sherwood Core Strategy (2019), and with emerging Policy DM3 of the Publication Amended Allocations and Development Management Development Plan Document (DPD) which, at the time of writing, is undergoing examination.

Section 5 of the Draft SPD explains the progress of the Amended Allocations and Development Management DPD, however it is clear that the parent policy will not be adopted when the SPD is due to be adopted in June. Whilst we understand why this approach is being taken, with the Government's deadline for SPDs, there is no legal basis for this approach of providing guidance to support future policy.

An SPD needs to support an adopted parent planning policy in the development plan. In this case the adopted parent policy is in the Amended Newark and Sherwood Core Strategy (2019), however this is due to be completely replaced by the emerging Amended Allocations and Development Management DPD and therefore any SPD adopted in support of it would also be superseded.

It would be more appropriate for the Council to publish this guidance in support of the Amended Allocations and Development Management DPD in due course

accepting it will not have the status of an SPD but can still be material consideration in decision-making.

National Affordable Housing Policy

It is noted that Section 2 summarises current National Planning Policy Framework and also the draft National Planning Policy Statement, issued for consultation in December 2025. Whilst this is helpful to summarise, it will only be current for a very short time and may even be superseded before the SPD is adopted. The value of this section is therefore questioned.

The SPD has specific sections regarding the amount and threshold for affordable housing on new development, and also the amount and threshold for affordable housing in the greenbelt. It is noted that these largely repeat NPPF 2024, so it is not clear these sections add any clarity or value and could become out of date if national policy changes.

Tenure

The SPD proposes a tenure split for affordable housing:

- 60% social rented/affordable rented;
- 40% affordable home ownership product.

This split reflects Core Policy 1 in the Review of The Newark & Sherwood Local Development Framework Core Strategy & Allocations adopted March 2019, however the parent policy makes it clear that the District Council will seek to secure a tenure mix of Affordable Housing to reflect local housing need and viability on individual sites, but the tenure mix applies to the district as a whole.

It is not clear what value the inclusion on the tenure split in the SPD. It does not clarify or explain further Core Policy 1 and presents an incomplete explanation of how the policy should be applied.

	<p>Phasing Paragraph 3.45 of the SPD sets specific requirements in terms of phasing:</p> <p>“Control of the processes of construction and occupation of the required Affordable Housing will normally be linked to the operation of those processes on the remainder of a development site. Accordingly, construction of the Affordable Housing should be commenced before 40% of the market housing is commenced and, in addition, the Affordable Housing should be available for occupation before 60% of the market housing is completed. Where a commuted sum is acceptable in place of Affordable Housing provision on an individual site, the Council will normally require payment to be made prior to the commencement of development on the site but will have regard to phasing and viability which will be proportional to the scale and complexity of the development. (emphasis added).</p> <p>It should be noted that requirements relating to phasing go beyond the requirements of the parent policy Core Policy 1 Affordable Housing Provision from the Amended Core Strategy 2019 and therefore go beyond the scope of an SPD. It is recommended that they are removed from the SPD as they are potentially legally flawed.</p>	
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Appendix B. Developer Contributions & Planning Obligations SPD Responses

Respondent	Response	NSDC Comment
Historic England	<p>We request the Council considers including a bullet point under paragraph 1.12 to include the historic environment and then include a section within Part Two referencing the historic environment. We have set out below several considerations that could be included within this SPD, for the historic environment:</p> <ul style="list-style-type: none"> • Heritage at Risk, • Works & enhancement opportunities for heritage assets, • Management Plans for Heritage Assets, • Heritage Tourism, • CA Appraisals & Management Plans, • Projects to ‘better reveal the significance of heritage assets’, • Public Realm Improvements, • Historic Shopfront repairs 	<p>Thank you for your comments. The Council considers that these factors are sufficiently covered within policies in the Amended Core Strategy and Amended Allocations and Development Management DPD and, as such, it is not necessary to include this within the Developer Contributions and Planning Obligations SPD.</p>
National Highways	<p>The Council should note that National Highways does not have the facility to accept financial contributions. As such, National Highways could not be the delivery body for highways improvements required in respect of the A1 or A46 trunk road utilising developer contributions.</p> <p>We may be supportive of the local highway authority (in this case Nottinghamshire County Council) delivering highway improvements on our network, although this would need to be agreed on a case-by-case basis.</p> <p>By way of explanation, securing the ‘forward funding’ of highways schemes in the timescales necessary to deliver growth cannot be guaranteed, and any shortfalls in funding could jeopardise the delivery of a scheme. As such, there is a risk to a highway authority in agreeing to a contributions approach which may allow the development to proceed without necessarily having the required mitigation in place.</p> <p>Our preference would be for any highways infrastructure improvements to be ‘developer led’, whereby the required infrastructure is designed, delivered and paid for directly by the</p>	Noted

	<p>developer, via a Section 278 Agreement under the Highways Act 1980. This method of securing highway improvements puts the developer (or consortium of developers) in control of the highway scheme delivery, and subsequently more in control of when their development can come forward.</p>	
Coal Authority	No comments	
Health & Safety Executive	No comments	
Canal & River Trust	No comments	
Nottinghamshire County Council – Planning Policy	<p>Support contents of the SPD</p> <p>The SPD provides sufficiently clear guidance. It covers a broad range of infrastructure including adequate coverage of infrastructure and services managed by the County Council with cross reference to our Developer Contribution Strategy where required.</p> <p>The reference to the County Council being consulted on proposals and a party to agreements is welcomed. Paragraph 6.5 could clarify that NCC will party to the drafting process where contributions are secured for its services and that its reasonable costs will be payable. Additionally, Paragraph 6.10 could refer to the County Council as being a potential recipient of land, as well as the DC/PC, for example in relation to schools.</p> <p>We welcome the confirmation at the start of the transport and libraires section confirming they should be read in conjunction with NCC’s Developer Contributions Strategy. This same phrase could also be added to the education section. We are content with the sections covering our services, which are supplemented by our DCS.</p>	Noted and propose amendments to address consultees response
Nottinghamshire County Council – Public Health	<p>Thank you for giving us the opportunity to review the SPD. We have carefully considered the document, and we appreciate the recognition it gives to the broader health determinants— what we often refer to as the Building Blocks of Health—that enable our communities to truly thrive.</p> <p>We were pleased to see indirect evidence of this approach, for instance, through the inclusion of open space and green infrastructure, which clearly support wellbeing and physical activity. The emphasis on active travel and transport measures is also very welcome, as it promotes healthier travel behaviours. Additionally, the document’s support for</p>	Noted and propose amendments to address consultees response

	<p>community facilities and recreation infrastructure is a positive step, as these elements play a vital role in contributing to both social and physical health.</p> <p>To further strengthen the SPD, we would like to recommend that Section 12.2 Table on Health - `Current Guidance, Local Strategy and Evidence' explicitly references the Spatial Planning and Health Framework 2025-30. Including this reference would provide helpful context and reinforce the document's alignment with current best practice in linking spatial planning with public health outcomes.</p>	
<p>William Davis (Pegasus Planning)</p>	<p>Question 1. Do you support the contents of the SPD?</p> <p>The contents of the SPD go beyond the scope of an SPD, by introducing new planning policy and by seeking to provide detailed advice or guidance on policies which are not part of an adopted local plan. The contents of the SPD do not meet Government guidelines, and are potentially legally flawed.</p> <p>Our key concerns are explored below.</p> <p>Procedural / Legal Concerns</p> <p>The Government's Planning Practice Guidance sets out the role of Supplementary Planning Guidance as follows:</p> <p>“Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development”. (emphasis added). (Paragraph: 008 Reference ID: 61-008-20190315).</p> <p>The scope of SPD has already been tested through the courts, notably in the High Court case brought against Charnwood Borough Council by William Davis, Bloor Homes, Jelson Homes, Davidsons Homes and Barwood Homes reference: [2017] EWHC 3006 (Admin) www.bailii.org/ew/cases/EWHC/Admin/2017/3006.html.</p>	<p>Noted - given the issues highlighted by the representation the District Council has decided to amend the SPD to make clear it is linked to adopted planning policy only.</p>

It is noted that at paragraph 1.1 of the draft document that the SPD is intended to support, and should be read in conjunction with the adopted Amended Newark and Sherwood Core Strategy (2019) (ACS) and with emerging Policy DM3 of the Publication Amended Allocations and Development Management Development Plan Document (DPD) which, at the time of writing, is undergoing examination.

Section 5 of the Draft SPD explains the progress of the Amended Allocations and Development Management DPD, however it is clear that the parent policy will not be adopted when the SPD is due to be adopted in June. Whilst we understand why this approach is being taken, with the Government's deadline for SPDs, there is no legal basis for this approach of providing guidance to support future policy.

An SPD needs to support an adopted parent planning policy in the development plan. In this case the adopted parent policy is in the Amended Newark and Sherwood Core Strategy (2019), however this is due to be replaced by the emerging Amended Allocations and Development Management DPD and therefore any SPD adopted in support of it would also be superseded.

It would be more appropriate for the Council to publish this guidance in support of the Amended Allocations and Development Management DPD in due course accepting it will not have the status of an SPD but can still be material consideration in decision-making.

Question 2. Does the SPD provide sufficiently clear guidance on what will be sought in relation to Developer Contributions?

Please see our comments in relation to Part 1 and Part 2.

Question 3. Do you have any comments on Part 1 of the SPD?

Relationship between Community Infrastructure Levy and S106

The SPD sets out the relationship between Community Infrastructure Levy and S106 developer contributions, however this does not appear to add value to the explanation in Spatial Policy 6 - Infrastructure for Growth in the Amended Newark & Sherwood Core Strategy DPD (2019).

Noted – we believe that this provides important context to the reader in one place about various elements of the SPD.

It is noted that the SPD relates to Section 106 contributions rather than CIL and therefore focuses on contributions to the Local Infrastructure compared the CIL which collects contributions towards strategic infrastructure improvements.

Paragraph 4.2 of the SPD states that:

“We define Strategic Infrastructure as improvements which are required because of the growth of the District up to 2033, and which cannot be attributed to the development of any one site”.

Paragraph 4.3 continues that:

“We define Local Infrastructure as the development of facilities or services that are essential for development to take place on individual sites and refers to the facilities or services that are essential for development to occur or are needed to mitigate the impact of development at the site or neighbourhood level. Where a need is established, the way in which these types of facilities /services may be sought is set out in Part 2”.

Paragraph 4.4 confirms that:

“Put simply, CIL is used to fund highway improvements and secondary education. These documents can be viewed at <https://www.newark-sherwooddc.gov.uk/infrastructuretosupportgrowth/>”

Whilst this information forms context to the SPD, it duplicates content from parent policy and does not appear to add value to the explanation in Spatial Policy 6 - Infrastructure for Growth in the Amended Newark & Sherwood Core Strategy DPD (2019).

Contribution Triggers and Requirements

In terms of contribution triggers and requirements, the SPD notes at paragraph 6.11 that:

“The Council will generally regard developments below predetermined thresholds as de minimis (too small) to require some developer contributions. Contributions will be expected from those developments which exceed the predetermined thresholds, where they are necessary to make the development acceptable”.

These thresholds are contained within Part 2 of the SPD.

	<p>inappropriate to use an emerging Allocations & DM Policies DPD as a basis until it is adopted policy.</p> <p>Question 4. Do have any comments on Part 2 of the SPD? It should be noted that for the following contributions include Amended Allocations & DM Policies DPD as its policy basis:</p> <ul style="list-style-type: none">• Community Facilities• Education Provision• Health• Libraries• Open Space and Green Infrastructure• Transport <p>As stated in earlier in this representation, this is a flawed approach, as SPD should build upon and provide more detailed advice or guidance on policies in an adopted local plan. They should not introduce new policy.</p> <p>Question 5. Do you have any additional comments? No further comments to add.</p>	<p>Noted – this is a current requirement of Policy DM3 of the adopted Allocations & Development Management DPD and the wording will be amended accordingly to reflect this.</p>
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