



Medway Developer Contributions and Obligations Guide

December 2025

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Abbreviations

ADASS	Association of Directors Adult Social Care
AHP	Affordable Housing Plan
AQS	Air Quality Strategy
BCIS	Building Cost Information Service
DOV	Deed of Variation
DCG	Developers Contribution Guide
DfT	Department for Transport
EA	Environment Agency
EPR	Extended Producer Responsibility
FRA	Flood Risk Assessment
HE	Homes England
HWRC	Household Waste Recycling Centres
ICB	Integrated Care Board
IDP	Infrastructure Delivery Plan
LLP	Local Lettings Plan
MEASS	Medway Estuary and Swale Strategy
MMC	Modern Methods of Construction
NCMP	National Child Measurement Programme
NEET	Not in Employment, Education or Training
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance
OT	Occupational Therapists
PPA	Planning Performance Agreement
PSED	Public Sector Equality Duties
PRoW	Public Rights of Way
RPI	Retail Price Index
S106	Section 106
SPA	Special Protection Area
SAMMS	Strategic Access Management and Monitoring Strategy
SFRA	Strategic Flood Risk Assessment
SuD	Sustainable Drainage Systems

UU

Unilateral Undertakings

Executive Summary

The development of new housing increases the number of people living in an area, and with that the demand on local services, such as schools, health services, parks, and transport. The planning system recognises the need to address the impacts arising from development, and can use legal obligations, agreements and unilateral undertakings to secure acceptable development. Developer contributions are an important component of this process. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms.

The purpose of this guide is to inform and assist developers, the council's own staff and all stakeholders (which includes members of the public) to:

- Ensure the impacts of developments are properly mitigated
- Provide clear information on the council's policy for developer contributions
- Ensure consistency, transparency and accountability
- Provide a streamlined, efficient service
- Achieve greater speed in determining planning applications.

S106 must meet the following tests:

- they must be necessary to make the proposed development acceptable in planning terms
- they are directly related to the proposed development
- they are fairly and reasonably related in scale and kind to the proposed development.

For the purposes of formulating planning applications and their determination, this Guidance should be read alongside Development Plan Policies (Local Plans and Neighbourhood Plans) and relevant Supplementary Planning Documents. The Guide will also be used as the basis for Medway's response to proposed strategic growth strategies, providing evidence for the infrastructure delivery planning and viability assessments that underpin the Local Plan.

The Guide and/or Technical Appendices will be reviewed when significant changes are made to service strategies and in evidence to support Medway's infrastructure requirements. Significant changes will be subject to further consultation.

Planning Committee meets every four weeks to determine planning applications. The agenda is available on line five working days prior to the committee meeting and includes a committee report for each application submitted. Details of developer contributions are included in the committee report. In some circumstances a major application can be determined under delegated powers and will not be submitted to Planning Committee for a decision.

There is regular reporting on S106 matters comprising regular reports to Planning Committee detailing S106s agreed and contributions collected and the annual Infrastructure Funding Statement (IFS) published in December each year. The IFS also includes details about projects funded by S106 and future funding and project priorities.

1 Introduction

1.1 Purpose

- 1.1.1 The development of new housing increases the number of people living in an area and with that the demand on local services, such as schools, health services, parks, and transport. The planning system recognises the need to address the impacts arising from development, and can use legal obligations, agreements and unilateral undertakings to secure acceptable development. Developer contributions are an important component of this process. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms.
- 1.1.2 The purpose of this guide is to inform and assist developers, the Council's own staff and all stakeholders (which includes members of the public) to
- Ensure the impacts of developments are properly mitigated
 - Ensure that there is clear information on the Council's policy for developer contributions
 - Ensure consistency, transparency and accountability
 - Provide a streamlined, efficient service
 - Achieve greater speed in determining planning applications.
- 1.1.3 The Guide and/or Technical Appendices will be reviewed when significant changes are made to service strategies and in evidence to support Medway's infrastructure requirements. Significant changes will be subject to further consultation.
- 1.1.4 Planning Committee meets every four weeks to determine planning applications. The agenda is available on line five working days prior to the committee meeting and includes a committee report for each application submitted. Details of developer contributions are included in the committee report. In some circumstances a major application can be determined under delegated powers and will not be submitted to Planning Committee for a decision.
- 1.1.5 Planning Committee regularly receives S106 reports which set out all contributions received in the reporting period. These reports also include information on all S106 agreements completed in the timeframe and expenditure. These reports are available online with the Planning Committee report pack.
- 1.1.6 An Infrastructure Funding Statement is published annually in December and includes information on individual services as well as S106 receipts and expenditure for the previous financial year. It also includes information on future infrastructure projects.

1.2 What is a Section 106 (S106) agreement

- 1.2.1 S106 agreements provide the mechanism for Medway Council to ensure developers commit to payment of developer contributions. S106 agreements apply to developments of 10 or more dwellings (referred to as major developments). These legal agreements can include a commitment by the developer to pay contributions towards improved infrastructure that is delivered

by council teams or third-party providers such as the NHS to address the impact of development. Major developments require the provision of new infrastructure or expansion of existing infrastructure. S106 agreements may also include clauses to commit the developer to provide infrastructure, for example a new highways access to a development or provision of a bus service and bus stops. All these commitments are known as obligations.

- 1.2.2 S106 agreements are signed by Medway Council and others who have an interest in the development (e.g. landowner, developer, finance company). Unilateral Undertakings (UUs) include the same obligations as a S106 agreement, but they are not signed by Medway Council. One party (e.g. landowner, developer, finance company) signs the agreement and commits to giving the contributions to Medway Council.
- 1.2.3 S106 agreements include deadlines for when the contributions must be spent (usually 5 years from receipt of the total contribution – some contributions are paid in instalments). Developers may request evidence that contributions have been spent in accordance with the wording in the agreement; failure to provide such evidence can result in the contribution being refunded to the developer with additional interest.
- 1.2.4 UUs do not have a deadline as the contributions are ‘given’ to the council, but contributions must be spent in line with the wording in the agreement, as they must for S106 agreements.
- 1.2.5 The main principles governing the use of obligations are that:
- 1.2.6 They should only be used when planning conditions are not appropriate
 - They are intended to make development acceptable which would otherwise be unacceptable in planning terms
 - They can be used to prescribe the nature of the development (e.g. a proportion of the housing must be affordable), to compensate for loss or damage caused by the development (e.g. loss of open space) or mitigate a development’s impact (e.g. increase public transport provision).
- 1.2.7 Obligations run with the land and, providing all parties with an interest in the land enter into the agreement, affect everyone with an interest in it, including successors in title. They are registered as Local Land Charges.
- 1.2.8 Section 106 of the 1990 Act provides that anyone with an interest in land may enter into a planning obligation, which is enforceable by a Local Planning Authority. An obligation may be created by agreement or by the party with an interest in the land making a unilateral undertaking. Obligations may:
 - Restrict the development or use of land
 - Require operations to be carried out in, on, under or over the land
 - Require the land to be used in any specified way; or
 - Require payments to be made to the Local Planning Authority, either in a single sum or periodically

1.3 Why do contributions in an agreement change?

- 1.3.1 There are several reasons why the contributions received are not the same as the amount in the agreement:
 - 1) If the agreement states contributions are due to be paid 12 months after the date the agreement was signed, the contributions become subject to

indexation. This is usually the retail price index (RPI) or Building Cost Information Service (BCIS) indexation.

- 2) If payment of the contribution is late it can be subject to interest.
- 3) If circumstances change from the time a contribution was requested, to when it becomes due (which can be several years) it may be more appropriate and sensible to support a different scheme/project. For example, a highways scheme would be more effective in a different place to that specified in the agreement. The change can be regularised in the following ways:
 - By updating the agreement with a 'deed of variation' (DoV); this can also be referred to as a supplemental deed or agreement. These require both Medway Council and the other signatory/signatories to agree and sign the agreement. These are published alongside the original agreement.
 - Sometimes the change can be minor and if the other signatory agrees, a 'side letter' is signed by Medway Council and the other signatory to approve the updated wording. These are published alongside the original agreement.
- 4) If a planning application is refused the applicant may appeal. A Planning Inspector would review the developer contributions and may decide to alter or cancel contributions
- 5) Viability: As stated above, it can be several years from the submission of a planning application to when the development commences. In that time market conditions can change significantly. This can mean a huge rise in the cost of construction which in turn can make a development unviable. In such cases an independent specialist would review the financial aspects of the case and may conclude that contributions would need to be reduced, or deleted from the agreement, to make the development viable. This does have implications for the infrastructure required but the provision of new housing is of paramount importance.

2 Legal and Policy Context

2.1 Background

- 2.1.1 Medway is a unitary authority in the county of Kent, South East England, with a population of around 292,000. The planning process can support the delivery of development to meet the area's needs for homes, jobs, services and infrastructure. The delivery of timely and appropriate investments in infrastructure improvements to support housing growth is a major issue. It is the key concern raised by residents in consultation on the emerging Local Plan, and a common issue for comments on planning applications.
- 2.1.2 This new One Medway Council Plan sets out our vision, ambitions and priorities up to 2028 as well as the values and behaviours that shape what we do.



- 2.1.3 The council wants to ensure that the process of securing the delivery of upgraded infrastructure and services to meet the increased demands arising from new development works effectively. This guide is a supplementary planning document, and is a material consideration in determining planning applications.
- 2.1.4 This guide has been prepared in accordance with planning legislation and policy overseeing the processes of securing appropriate contributions and obligations from developments. Planning obligations or agreements and Unilateral Undertakings are normally entered into in accordance with Section 106 of the Town & Country Planning Act 1990 (as amended). These tend to be referred to on a day-to-day basis as 'Section 106 (S106) agreements' and this term is used throughout this guide.

- 2.1.5 Section 106 of the 1990 Act provides that anyone with an interest in land may enter into a planning obligation, which is enforceable by a Local Planning Authority. An obligation may be created by agreement or by the party with an interest in the land making a unilateral undertaking. Obligations may:
- Restrict the development or use of land
 - Require operations to be carried out in, on, under or over the land
 - Require the land to be used in any specified way; or
 - Require payments to be made to the Local Planning Authority, either in a single sum or periodically.
- 2.1.6 Obligations run with the land and, providing all parties with an interest in the land enter into the agreement, affect everyone with an interest in it, including successors in title. They are registered as Local Land Charges.
- 2.1.7 The main principles governing the use of obligations are that:
- 2.1.8 They should only be used when planning conditions are not appropriate
- 2.1.9 They are intended to make development acceptable which would otherwise be unacceptable in planning terms
- 2.1.10 They can be used to prescribe the nature of the development (e.g. a proportion of the housing must be affordable), to compensate for loss or damage caused by the development (e.g. loss of open space) or mitigate a development's impact (e.g. increase public transport provision).
- 2.1.11 All S106 agreements should satisfy the following tests:
- it must be necessary to make the proposed development acceptable in planning terms,
 - it is directly related to the proposed development,
 - it is fairly and reasonably related in scale and kind to the proposed development.
- 2.1.12 Agreements must be governed by the fundamental principle that planning permissions may not be bought or sold, and they cannot be used to secure a share in the profit from development.
- 2.1.13 Contributions may be either in kind or in the form of a financial contribution. Payments can be made in the form of a lump sum, an endowment, or as phased payments related to dates, events or triggers.
- 2.1.14 Local Planning Authorities should set out their policy on local standards, including infrastructure contributions and requirements for affordable housing in the Local Plan. The plan is subject to testing the cumulative impact of policies and requirements on viability, so that the Local Plan can be delivered.
- 2.1.15 Medway Council supports the delivery of quality development which delivers its ambitions for the area's successful growth. The council has led in the production of a Planning Protocol for Delivering Growth in Kent and Medway. This aims to provide increased efficiency and certainty in the planning process for communities and developers. The protocol sets out the council's commitment to effective communication and working to increase certainty and consistency in the development planning process. The preparation and review of this Guide to Developer Contributions and Obligations specifically addresses the standards and commitments set out in the Planning Protocol.
- 2.1.16 This Guide provides clarity to developers and wider stakeholders on the requirements for infrastructure arising from consented developments, and

associated obligations to ensure that the impacts of new developments are appropriately considered and mitigated.

2.1.17 The Council's current policy in respect of developer contributions is set out in Policy S24 of the Medway Local Plan 2041. This states that:

“Development coming forward in Medway will be expected to deliver new or improved infrastructure, to mitigate the impact of development. This will be achieved through the use of planning obligations and/or contributions and their use as defined in national policy and guidance, and as set out in the latest Medway Guide to Developer Contributions and Obligations. Infrastructure includes requirements having regard to the details set out in the latest IDP, as well as studies on leisure, green infrastructure, neighbourhood plans and development orders and other needs assessments.”

2.1.18 This policy is the basis for the detailed requirements set out later in this guide. Further detail is also set out in site specific strategic allocation policies.

3 Procedural and Administrative Considerations

3.1 Procedure

- 3.1.1 Medway Council has put in place systems and arrangements to assist developers, speed the decision-making process and ensure consistency, transparency and accountability. These procedures cover pre-application advice, submission of planning application(s) and post decision issues. Further information is set out at Appendix 1 of this document: Summary Chart and Checklist for Applicants.
- 3.1.2 Developers should contact the Section 106 (S106) Officer regarding payment of contributions after the agreement is completed.

3.2 Standard Templates and Clauses

- 3.2.1 To ensure effective use of staff resources in drafting legal agreements, the Council has developed standard templates, based on many years' experience and established legal practice. For unilateral undertakings, proof of ownership of the land affected by the agreement must be shown. [Templates are available on the Medway Council website.](#)
- 3.2.2 Please search for 'developer contributions' for developments of 10 dwellings or more, and 'bird disturbance in North Kent' for developments of 1 – 9 dwellings.

3.3 Contacting and Negotiating with the Council

- 3.3.1 Co-ordination and openness are critical to the successful negotiation and completion of agreements. **Developers and their agents should:**
- 3.3.2 Conduct all negotiations through the development management case officer. In pre-application discussions the Council will make every effort to identify a case officer, to ensure continuity and consistency. A pre- application charge will be levied by the council. One to one negotiation with a particular service should only take place with the prior agreement of the case officer. The case officer will usually attend all such meetings. Contact with the Legal Section by the applicant should not be necessary in straight forward cases other than for checking title information, technical legal queries or to arrange the engrossing of an agreement. The case officer is responsible for involving the Legal Section, if necessary, in all other cases. However, in his/her capacity as monitoring officer, the Assistant Director, Legal and Governance, can always require legal involvement where necessary to protect the position of the council.
- 3.3.3 Traditionally the negotiation and drafting of agreements has started very late in the determination of a planning application. This imposes great pressure to agree heads of terms before Planning Committee meetings and can delay planning permissions not being granted for weeks or months after a positive resolution. With this in mind Medway Council will enter into 'without prejudice' negotiations and drafting at as early a stage **as possible. These negotiations will consider S106 related matters without prejudice to the consideration of the associated planning application. In this way negotiations can commence at the pre-application stage and the shared aim should be to have a completed agreement ready by the time an application is determined.**

3.4 Planning Performance Agreements

- 3.4.1 The Council promotes the use of Planning Performance Agreements (PPAs) to achieve a more efficient and effective application process. The consideration and resolution of the S106 agreement forms part of the timetabled and resourced actions throughout the key stages from pre-application discussions, processing of the application and issue of decision and clearance of conditions.

3.5 Basis of Guide

- 3.5.1 The Council's initial negotiations will generally be based on this guide. Only where there are good and valid reasons for departing from the guide will alternatives be considered.
- 3.5.2 An example might be where the 'normal' level of contribution is genuinely unaffordable in which case the developer should inform the Council as quickly as possible and provide detailed financial evidence to substantiate the claim. Only where comprehensive evidence is provided will it be possible for the Council to consider such departures and in these cases an 'open book' approach will be required.
- 3.5.3 Each new dwelling within a defined 6km buffer of the Thames, Medway and Swale Special Protection Areas and Ramsar sites (please see Appendix 2 for map showing buffers) will incur a bird disturbance mitigation contribution of £337.49 per dwelling for a Strategic Access Management and Monitoring Scheme. Contributions for services to mitigate the impact of the development will be sought on developments of 10 dwellings or more.
- 3.5.4 All S106 contributions will be index linked annually on 1 April (using all items retail prices index (RPI), and will be calculated at 2.43 persons per dwelling. Therefore, it should be understood that the sums set out in this document are subject to annual review in line with the RPI as set out above.

3.6 Resolving Disputes

- 3.6.1 Complaints relating to procedural and administrative matters will be dealt with in accordance with the Council's normal complaints procedure as set out on our website. Any concerns over negotiations should be made initially to the case officer, and if this does not resolve the problem, to the Chief Planning Officer. If necessary, the matter will then be referred to the Assistant Director, Culture and Community, and if necessary to the Director of Place.

3.7 Administrative and Associated Costs

- 3.7.1 The Council is committed to providing sufficient resources to achieve a high level of service and has set administrative costs, to be paid on completion of the agreement, on all agreements as follows:
- £584 per trigger event as set out in the S106 agreement (this will increase annually from 1 April 2026)
 - The Council's reasonable legal costs, at a minimum of £500 per agreement
- 3.7.2 In some cases, the cost of the case officer's time negotiating the S106 matters.

3.8 Thresholds

Land Use	Threshold
Housing	10 units or more or combined GIA of 1000sq.m
Office	100 sq.m or more
Industrial	250 sq.m or more
Warehouse	500 sq.m or more
Retail	100 sq.m or more
Educational	25 students or more
Hotel	25 rooms or more
Other	50 users or more

- 3.8.1 The requirements relating to the provision for Affordable Housing vary, and developers should refer to the details set out in the Affordable Housing section of this guide.
- 3.8.2 The tariff relating to Strategic Access Management and Monitoring scheme to address the risk of bird disturbance in the designated estuarine habitats applies to all dwellings within a 6km buffer of the designated areas.
- 3.8.3 For developers promoting schemes involving self-build housing developments, designated starter home exception sites, or the redevelopment of a vacant building, there are additional considerations. In such cases, prospective developers should contact the Planning Service for further details of the contributions and obligations required.

[View Planning Practice Guidance on GOV.UK.](#)

3.9 Reporting on contributions and obligations

- 3.9.1 The Council is committed to providing clear information on developer contributions and obligations. S106 agreements are published with the planning application on the council's website through Public Access. The Planning Service reports to Planning Committee on developer contributions. These reports list information on S106 contributions received, and obligations included in all S106 agreements completed including information on expenditure. The Council also reports on developer contributions in its annual Authority Monitoring Report, which is published each December for the preceding financial year. In addition to this, the Infrastructure Funding Statement is published annually in December detailing all S106 receipts and expenditure for the previous financial year **on the council's website through Public Access.**
- 3.9.2 The Planning Service reports to Planning Committee on developer contributions. These reports list information on S106 contributions received, and obligations included in all S106 agreements completed and from April 2023 will also include information on expenditure. The Council also reports on developer contributions in its annual Authority Monitoring Report, which is published each December for the preceding financial year. In addition to this, the Infrastructure Funding Statement is published annually in December detailing all S106 receipts and expenditure for the previous financial year.

4 Level of Contributions per Dwelling

4.1 Contributions

- 4.1.1 Medway Council is responsible for delivering and maintaining much of the large-scale infrastructure that Medway residents and businesses require, including roads, schools, waste disposal services and libraries.
- 4.1.2 Much of this provision is already at capacity and therefore, the impact of growth is a key consideration. Under Medway's current Developer Contributions Guide, developers are requested to pay around £17,000 (excluding health contributions) per dwelling in S106 contributions to deliver the necessary infrastructure on non-strategic sites, this includes, but is not limited to:
- Community and cultural facilities (Community services, Heritage and museums, Libraries, Youth centres and facilities)
 - Education (Early Years, Primary, Secondary, Sixth Form)
 - Social Care
 - Highways and Transportation
 - Open spaces
 - Sport and leisure
 - Waste and recycling
 - Public Realm
- 4.1.3 The 'Level of contributions per dwelling' does not include highways, Public Right of Way (PRoW), or public realm. Discussions with services alongside technical assessments undertaken as part of the Local Plan have shown that this will not be enough funding to pay for the required infrastructure, even with significant external funding.
- 4.1.4 A bird disturbance mitigation contribution of £ £337.49 per dwelling will be sought for each new dwelling within the Special Protected Area (SPA) and RAMSAR 6 km buffers (see plan Appendix 3).
- 4.1.5 The Kent and Medway ICB will additionally request contributions on a case by case basis towards health facilities as set out in their [developer contributions guide](#).
- 4.1.6 For sites in strategic growth areas Medway Council will negotiate on a case-by-case basis with priorities given to strategic infrastructure requirements set out in the site policies. Depending on individual site viability additional contributions will be requested as set out above.
- 4.1.7 Table 1 (below) summarises the contributions that may be sought to mitigate the impact of growth.

Table 1: Summary of Contributions

Service Area	Threshold for Seeking S106 Contributions	Expected contribution * (per dwelling**)
Bird disturbance mitigation (SAMMS)	Per dwelling within the SPA and RAMSAR 6 km buffers	£337.49
Community services	10 units and above or combined GIA of 1000 sq.m	£251.84
Heritage and museums	10 units and above or combined GIA of 1000 sq.m	£391.28
Libraries – Expansion	10 units and above or combined GIA of 1000 sq.m	£226.98
Libraries – New Build	10 units and above or combined GIA of 1000 sq.m	£419.14
Youth centres and facilities	10 units and above or combined GIA of 1000 sq.m	£107.64
Early Years – Nursery – Expansion	10 units and above or combined GIA of 1000 sq.m	£2,541.88
Early Years – Nursery – New Build	10 units and above or combined GIA of 1000 sq.m	£3,034.90
Education - Primary – Expansion	10 units and above or combined GIA of 1000 sq.m	£6,239.16
Education - Primary – New Build	10 units and above or combined GIA of 1000 sq.m	£7,449.30
Education - Secondary – Expansion	10 units and above or combined GIA of 1000 sq.m	£6,038.77
Education – Secondary – New Build	10 units and above or combined GIA of 1000 sq.m	£46,3550.56
Education - Sixth form - Expansion	10 units and above or combined GIA of 1000 sq.m	£1,589.15
Education – Sixth form – New Build	10 units and above or combined GIA of 1000 sq.m	£1,671.20
Open spaces	10 units and above or combined GIA of 1000 sq.m	£3,506.75

Indoor Sport and leisure	10 units and above or combined GIA of 1000 sq.m	£334.63
Waste and recycling	10 units and above or combined GIA of 1000 sq.m	£237.84
Public Realm and Town Centre Enhancements	10 units and above or combined GIA of 1000 sq.m	£369.81
Social Care	10 units and above or combined GIA of 1000 sq.m	£287.12
Health – Primary care	20 dwellings or more	Up to £2,000
Health – Community care	20 dwellings or more	Up to £400.00
Health – Secondary/acute care	300 dwellings or more	Up to £4,800

* Figures as off April 2025, to be indexed to retail price index on 1 April annually (excluding health)

**All charges (except SAMMS) are based on 2.43 occupancy per dwelling

5 Affordable Housing

5.1 Background

- 5.1.1 The One Medway Council Plan, 2024 identifies Living in Good-Quality, Affordable Homes as a key priority.ⁱ The implementation of the Local Plan contributes to this priority, with a plan that reflects the needs of the communities in Medway, supporting a transition to a low- carbon future promoting affordable, energy efficient and sustainable homes. To meet this priority, a range of homes should be made available across a range of budgets.
- 5.1.2 Medway's Pre Submission Draft Local Plan Policy T3: Affordable Housing states that all developments in Medway of 10 or more residential units (net) will require the delivery of affordable housing.

5.2 Definition of Affordable Housing

- 5.2.1 The primary definition that is used to assess need, suitability, and to inform the development of requirements for affordable housing is provided within National Planning Policy Framework Annex 2: Glossary, which defines affordable housing as:
- 5.2.2 Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

a) Social Rent: meets all of the following conditions: (a) the rent is set in accordance with the government's rent policy for Social Rent; (b) the landlord is a registered provider; and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision.

b) Other affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the government's rent policy for Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

(c) Discounted market sales housing is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

(d) Other affordable routes to home ownership is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low-cost homes for sale (at a price equivalent to at least 20% below local market value)

and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to government or the relevant authority specified in the funding agreement.

5.3 When Affordable Housing Will Be Sought

- 5.3.1 All developments in Medway of 10 or more residential units (net) will require the delivery of affordable housing.
- 5.3.2 In high value areas, including the Hoo Peninsula and suburban greenfield sites, 30% of all residential units proposed.
- 5.3.3 In lower value areas, such as brownfield inner urban sites, 10% of all residential units proposed.
- 5.3.4 This is set out in Section 12 'Findings and Recommendations' of the [Medway Viability Assessment](#) :

12.46 The greenfield sites across most of the Council area, where development is likely to be forthcoming, being the south of the area, derive a Residual Value that is above the Benchmark Land Value. The Council can be confident that these types of site are deliverable with 30% affordable housing. The greenfield in the north of the Council area, being the more rural and remote parts of the Hoo Peninsula, where little development is likely to be forthcoming, derive a Residual Value that is a little less than the Benchmark Land Value.

12.47 The sites which are modelled as high density and with taller buildings produce a Residual Value that is negative. These are only likely to be acceptable (in planning terms) in the higher value waterfront areas. Currently there are few such schemes in the planning system. The Council should be cautious about relying on such development to deliver housing under the current market conditions.

12.48 In both areas the more general brownfield development is challenging, even when modelled with 10% affordable housing. This reflects the Council's experience on the ground, where the current affordable housing requirements are not always being met. The Council should be cautious about relying on such development to deliver housing under the current market conditions.

- 5.3.5 In line with the Planning Practice Guidance, it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.
- 5.3.6 When delivering affordable housing it is required to:
 - Be provided and retained for an affordable use in perpetuity.
 - Be designed to be indistinguishable from the market housing on site.
 - Be of the same size and scale as market housing.
 - Avoid being visibly distinguishable as different from the wider neighbourhood and be delivered across the site where appropriate.
 - Reflect the tenure mix as set out in the latest Local Housing Need Assessment
 - Reflect the need for affordable accommodation for older persons and those with specialist needs, in line with tenure and size split requirements as detailed

in the latest Local Housing Needs Assessment

- 5.3.7 S106 Agreements will require the affordable housing to be retained in perpetuity. Matters to be taken into account when affordable housing is negotiated will be:
- a) the suitability of the site for affordable housing development.
 - b) the economics of provision.
 - c) the proximity of local services and facilities and access to public transport.
 - d) the realisation of other planning objectives.
 - e) the need to support Medway's regeneration agenda and to achieve a successful housing development, taking into account the appropriate mix of affordable housing types and the proportion of affordable housing and its subsequent management.

5.4 Delivering Affordable Housing

- 5.4.1 The affordable housing element of the housing supply can be split further into the following tenures. 20% to be Social Rent, 45% to be Affordable Rent, with the remaining 35% as Shared Ownership. Delivery of affordable housing should be on site in the first instance. If this cannot be achieved, then an alternative approach will need to be robustly justified. The local context and demographics will be a key consideration. The following delivery sequence should be followed to justify any alternative approach:
- A change in the tenure mix on site to facilitate delivery.
 - Delivery of the required units on a separate site.
 - An agreement with a registered provider to deliver the units off site.
 - Only if both on-site and off-site delivery is demonstrated with robust justification not to be achievable should consideration then be given to a financial contribution provided to the Council to the equivalent value of the onsite provision to allow for offsite delivery.
 - A viability assessment in line with national policy and guidance should be submitted to the Council to be independently verified if the affordable housing proposed does not meet that which is required
- 5.4.2 A viability assessment in line with national policy and guidance should be submitted to the Council to be independently verified if the affordable housing proposed does not meet that which is required.
- 5.4.3 All forms of affordable housing will be provided on the basis of a 'local connection cascade'. The details of this cascade will be determined on a case-by-case basis, but will follow the general approach of prioritising households with an established local connection (and for social and affordable rent) in housing need to the parish or town through residence or place of work, then households from surrounding parishes in the borough, and then wider. This will be secured by a Section 106 agreement.

5.5 Who Can Deliver Affordable Housing?

- 5.5.1 Affordable Housing Providers - Medway Council does not want to adopt restrictive practices, which could preclude innovation and competition between potential providers of affordable housing. The most effective way of delivering the requirement, however, is widely considered to be by engaging a Registered Provider of social housing or be an Homes England Investment Partner.
- 5.5.2 It is recommended that the skills and experiences of Registered Providers be used at an early stage of the design process. Design and management issues in

relation to affordable housing are far better resolved at this stage. Registered Providers will also be able to advise on the financial implications of the affordable housing requirement.

- 5.5.3 Contact details for those Registered Provider partners that have a demonstrable track record of delivery and management within Medway can be provided on request. The Council retains its right not to support the disposal of affordable units to RPs that do not have the management abilities and local knowledge to effectively manage new affordable housing in Medway.

5.6 Registered Providers and Investment Partners

- 5.6.1 The Council does not prescribe the affordable housing providers that developers use to deliver affordable housing, nor does it have a restrictive list of partner affordable housing providers eligible to operate in the area. To ensure prospective partners are competent and committed to affordable housing delivery and management in Medway they are required to either be a Registered Provider or have Homes England Investment Partner status. Registered Providers are bodies registered with Homes England as a social landlord pursuant to the provisions of the Housing and Regeneration Act 2008.
- 5.6.2 Investment partners are those organisations that have successfully qualified for investment partner status by completing Homes England's qualification questionnaire and having been selected; this selection having taken into account the applicants' technical ability (based on the technical standards described in the former Housing Corporation's Design and Quality Strategy and Design and Quality Standards), financial capacity and good standing.
- 5.6.3 This will enable the Council to make an informed decision on the ability of the organisation to deliver and manage affordable housing whilst ensuring all interested organisations have a fair and equal opportunity to demonstrate how they will operate.
- 5.6.4 Specialist housing providers who are unable to fulfil all the criteria may still be considered but the Council reserves the right to demand additional information.

5.7 Medway Council Eligibility Criteria

- 5.7.1 All affordable housing providers wishing to operate in Medway will be expected to be able to fulfil all of the following criteria. They must:
- 1) Be a body registered with Homes England (HE) as a social landlord pursuant to the provisions of the Housing and Regeneration Act 2008 or any other body or company approved by Homes England for receipt of social housing grant or other financial support and approved by the Council.
 - 2) Enter into a nominations agreement with the Council for the homes to be delivered.
 - 3) Enter into a Local Lettings Plan (LLP) with the Council for the homes to be delivered.
 - 4) Be a member of Kent HomeChoice and agree that all lettings will go through the Kent choice-based lettings system.
 - 5) Have due regard to the Tenancy Strategy of the council when formulating policies relating to:
 - the kinds of tenancies they grant

- the circumstances in which they will grant a tenancy of a particular kind
 - where they grant tenancies for a term, the length of the term and
 - the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.
- 6) Have an office within Medway or be able to demonstrate that adequate management arrangements have been put in place for the management of the stock in the area.
 - 7) Be willing to actively engage as a key stakeholder in the development of policies and strategies developed by the council where invited to do so.
 - 8) Consider the use of Modern Methods of Construction (MMC) for all new developments (where practicably possible).
 - 9) Use all reasonable endeavours to make developments meet the current Secure by Design standard, and where suitable the additional provisions for specialist provision (unless otherwise agreed by Homes England and the Council).
 - 10) Comply with the standards set out in Fact Sheet No. 6 – Design Principles for Extra Care Housing (3rd edition – Housing Learning and Improvement Network) or any subsequent design standards that may be adopted by the Council where extra care units are to be delivered.
 - 11) Deliver a range of unit types, tenures and sizes as identified by local need and suitable to the location.
 - 12) Work with the council's Occupational Therapists (OTs) from the initial unit design stage through to the occupation of units. This will better enable units that can be designed for clients with specialist needs to be accommodated and delivered at minimal cost to all parties. OTs can also assist with the identification of clients with specialist accommodation needs ensuring such units are ready for occupation on completion or relets thus minimising void times.
 - 13) Deliver a minimum 95% of all new affordable dwellings as M4(2) standard and 5% as M4(3) wheelchair adaptable housing as set out within Approved Document M under the Building Regulations 2010. Where it can be demonstrated to the council's satisfaction that a site cannot deliver wheelchair-adaptable dwellings an exemption will need to be sought.
 - 14) Ensure that their practices are compliant with the council's duties towards equalities. As public bodies, local authorities are required to meet Public Sector Equality Duties (PSEDs), which are set out under Section 149 of the Equality Act 2010. Further information on PSED can be found on the [Equality and Human Rights Commission website](#).
These duties include the need to consider how we:
 - eliminate unlawful discrimination, harassment and victimisation;
 - advance equality of opportunities; and
 - foster good relations
 - 15) Respond in a timely manner to requests by the Council for qualitative and quantitative information – including quarterly information on voids, re-lets, tenure conversions, decent homes standards, rent levels, starts on site and completion numbers.
 - 16) Be willing to meet quarterly with officers of the Housing Services Team to discuss the organisation's development plan.

- 17) Agree to provide training to Council staff on relevant affordable housing standards and issues, which are of clear benefit to the enabling function of the Council and affordable housing providers.
- 18) Provide information on customer satisfaction levels to the Council on a scheme-by-scheme basis. Be willing to arrange site visits for the Council's staff both prior to and on completion of schemes. The aim of this is to assist with developing Local Lettings Plans and to better ensure the properties are correctly advertised on the Kent HomeChoice system.

5.8 Affordable Housing Tenure Mix

- 5.8.1 The social rented stock in Medway at 13.6% is low relative to the national average of 17.1% and does not provide adequate turnover to meet the scale of need identified. The scale of need could justify the whole allocation for affordable housing being used as social or affordable rented units, but a balanced approach is now the core of the strategy in Medway, and this approach will be pursued.
- 5.8.2 The Council's preferred options are for mixed tenure schemes of social or affordable rented and intermediate tenures (usually shared ownership). It is accepted that for smaller sites there may be reasons for not mixing tenures. Therefore, where there are to be 10 or less affordable housing units provided in a scheme the Council may accept that the units can be of a single tenure. This will be determined by the Housing Services Team on a site-by-site basis based on local needs.
- 5.8.3 Where the number of affordable units to be provided is greater than 10, a tenure mix of 20% Social Rent and 45% Affordable Rent and 35% intermediate affordable housing (of which Shared Ownership is the preferred option) will be sought.
- 5.8.4 The Council maps the location of affordable housing by tenure and size of units, and in the interests of creating sustainable communities reserves the right to seek different tenure mixes where this improves the mix of tenures locally.

5.9 Affordable Housing Size Mix

- 5.9.1 In terms of the size mix of affordable unit on a site, the Council will generally seek to achieve the approximate following mix, where practically feasible. The Local Housing Needs Assessment, 2025 provides evidence for the following mix:
 - 19.2% 1-bedroom properties
 - 21.7% 2-bedroom properties
 - 24.1% 3-bedroom properties
 - 34.9% 4-bedroom+ properties
- 5.9.2 The Housing Services Team recognises that Medway contains a wide range of development sites, and not all sites will be capable of delivering the full range of unit sizes. Some sites may be unsuitable for houses and others unsuitable for apartments or bungalows. Where this is the case the Housing Services Team will expect the affordable element to be representative of the total size mix to be delivered on any given scheme. The above breakdown of both housing tenure and size is to be regarded only as a guide. The exact percentages for each site will be determined following discussions between the Housing Services Team,

Development Management and the developer prior to the drafting of a S106 Agreement.

5.10 Design and Layout

- 5.10.1 In accordance with government guidelines on sustainability, the Council favours a mix of housing types and tenures on developments. The Council expects affordable housing to be so designed that it cannot be easily distinguished from market housing however in some circumstances some differences may be accepted. The developer and affordable housing provider are advised to work together to ensure that the affordable housing forms an integral part of the overall development.
- 5.10.2 Developers will need to satisfy the Council that the mix of unit types will address the housing need that has been identified in the area and that the standard of construction is suitable.
- 5.10.3 Internal space standards should, as a minimum, comply with any current council or Homes England guidance (whichever is larger). The following table gives indicative space standards for selected dwelling types based on the current nationally described space standard

Number of bedrooms	Number of bed spaces	1 storey dwelling	2 storey dwellings	3 storey dwellings
1b	1p	39	-	-
1b	2p	50	58	-
2b	3p	61	70	-
2b	4p	70	79	-
3b	4p	74	84	90
3b	5p	86	96	99
3b	6p	95	102	108
4b	5p	90	97	103
4b	6p	99	106	112
4b	7p	108	115	121
4b	8p	117	124	130
5b	6p	103	110	116
5b	7p	112	119	125
5b	8p	121	128	134
6b	7p	116	123	129
6b	8p	125	132	138

- 5.10.4 The Council requires developers as a minimum to adhere to the provisions of the Technical Housing Standards as set out in Nationally Described Space Standard, published by Government in 2015. As such compliance will be a consideration in the grant of planning permission and will apply to all proposals involving new units of accommodation, including affordable units.

- 5.10.5 Specific advice on individual sites should be sought at an early stage from the Housing Services Team.
- 5.10.6 On sites that are large enough for there to be a choice of location for the affordable housing, the opportunity should be taken to locate it near bus routes and local facilities if these are available.
- 5.10.7 It is expected that developers will take part in a Considerate Contractor scheme, and where possible seek to use local contractors and suppliers whilst promoting training and career advancement opportunities.

5.11 Affordable Housing Plan for S106 Sites

- 5.11.1 As part of s106 obligations developers will be required to provide an Affordable Housing Plan (AHP). See below for items that should be incorporated within the AHP. The AHP will need to be approved in writing by the Housing Services Team prior to the commencement of any development. For larger sites broken down by phases the AHP will need to be agreed for each phase before development can commence.
- 5.11.2 The AHP should illustrate/include the following
- Meet the minimum target for affordable housing, provided across the entire site including gardens and any associated buildings such as garages.
 - The size (sqm), number of bedrooms and housing type of each affordable property.
 - Clearly labelled associated parking for the affordable units.
 - Tenure of the affordable housing – normally 20% Social Rented, 45% Affordable Rented and 35% intermediate (Shared Ownership being the preference) - to be shown in different colours on a layout plan (or floor plans in the case of flats).
 - Where more than one type of intermediate product is being delivered these will need to be distinguishable via the use of different colours.
 - Which of the affordable homes are being delivered to M4(2) standard or as M4(3) wheelchair adaptable homes.
 - Which of the affordable homes are specialist units (extra care, sheltered, learning disability etc) where applicable.
 - Written evidence that the scheme has been assessed and meets the required design and quality standards.

5.12 Phasing

- 3.12.1 The affordable housing provision to be made on a site should be an integral part of the development. Where a development is to be provided in phases, it may also be appropriate for the affordable housing element to be phased.

5.13 Sustainable Integrated Communities

- 5.13.1 On sites where an element of affordable housing is required, it should be provided on the site. This supports the creation of balanced sustainable communities. Normally the affordable housing element of a site should be of a similar size and character to the market housing on the site unless this does not reflect the local need.
- 5.13.2 The Council believes that to create integrated communities the affordable homes should be indistinguishable from the market housing and distributed throughout

the development. However, the Council considers clusters of affordable housing to be more practical than excessive 'pepper-potting' and where it is demonstrated to be essential to ensure high standards of estate management and maintenance, larger clusters of affordable housing will be permitted.

- 5.13.3 On larger sites, the Council will negotiate a phased release of affordable housing to ensure a better distribution of tenure mix. This will be secured by way of the s106 Agreement that will include appropriate triggers to link the occupation of open market units to the delivery of the affordable housing.

5.14 Building to Meet Housing Need

- 5.14.1 New schemes must meet the proven housing needs in Medway. The Council undertakes regular needs analysis based on its housing register, housing needs surveys and/or strategic housing market assessments to establish the housing needs of Medway.
- 5.14.2 It is recognised that several housing sub-markets operate within Medway and the tenure mix sought may vary to reflect local need and existing supply within any given locality.
- 5.14.3 The Medway housing register indicates a significant requirement for properties that are fully wheelchair-adapted or suitable for clients with mobility problems. All suitable affordable housing schemes are to include a minimum 5% of homes that are M4(3) wheelchair adaptable homes.

5.15 Affordability

- 5.15.1 The Council will insist that intermediate housing products are affordable to local people in housing need before agreeing to their inclusion within an affordable housing scheme. The Council collects data on local incomes and house prices/market rents to establish the income levels required to access the local housing market. This will be used to assess the affordability of intermediate products based on mortgage and rental costs equating to no more than 30% of the average gross income of households unable to access the open market.
- 5.15.2 Where service charges are to be charged, they should be reasonable so as not to render the units unaffordable once added to the rents.

5.16 Funding for Affordable Housing

- 3.16.1 The cost of providing affordable housing should be accounted for in the land purchase price. The Council does not accept situations where developers purchase land with the assumption that the requirements for affordable housing will be reduced in order to ensure financial viability.

5.17 Site Viability and Abnormal Development Costs

- 5.17.1 The Council recognises that requiring developers to allow part of their site to be used for non-market housing will result in a cost. In order to offset these costs, developers will be expected to take the requirement into account in negotiating realistic land values with site owners.
- 5.17.2 Other planning related requirements such as education, community facilities, children's play areas etc. will likewise be treated as known costs.

5.18 The ‘Planning Gain’ Requirement

- 5.18.1 When negotiating on sites with a requirement for affordable housing, the contribution that the Council will seek from the developer is the provision of the affordable housing land fully serviced to the site boundary for free.
- 5.18.2 Serviced land covers provision to the site boundary of all services (electricity, gas, water, sewerage, telephone, lighting etc) necessary for development. It also covers connection costs, demolition costs, infrastructure (roads, footpaths, boundary walls etc), decontamination, archaeological costs and site clearance where applicable. Services must be provided to the edge of the land and there must be no legal, physical or financial barrier (i.e. unencumbered access) to the serviced land for the builder constructing the affordable housing.
- 5.18.3 In cases where the developer is to build the affordable homes rather than just transfer the land for free, the Council will expect the planning gain to be demonstrated by the cost that the developer charges the affordable housing provider for the built units. The price should reflect build costs (rather than the value of the dwellings) and exclude the value of the clean serviced land.
- 5.18.4 The Council follows an “open book” approach to valuations and development economics on affordable housing schemes where developers present schemes that do not meet the requirements of the affordable housing policy. In these cases, the applicants should be prepared to discuss the various cost components of their schemes with the Council, and will be required to meet the costs of an independent assessment of these costs commissioned by the Council.

5.19 Supported Housing

- 5.19.1 The Council regularly undertakes detailed needs analysis on the housing requirement of older and vulnerable client groups. The council will on occasions seek to negotiate an element of supported housing as part of the affordable requirements.
- 5.19.2 This reflects the government’s objectives to provide high quality, value for money housing and support services to vulnerable people. Details on the identified requirement for affordable supported housing can be obtained by contacting the Housing Services Team.

5.20 Equality Guidance

- 5.20.1 Medway Council recommends that all affordable housing providers wishing to operate in Medway ensure that their practices are compliant with the [Home England Guidance](#) . It is aimed at eliminating discrimination and promoting equality through the people affordable housing providers employ in the delivery of services to the community.
- 5.20.2 Affordable housing providers should observe and act upon the Equality for Human Rights Commission’s code on housing and associated guidance.
- 5.20.3 The Council also encourages affordable housing providers to give due regard to guidance produced by HLIN Viewpoint71 “[Building in Inclusive Design: A modern housing perspective](#)” in the delivery of their schemes.

5.21 Mortgagee-in-Possession Clauses

- 5.21.1 The Council will make provision in s106 Agreements for mortgagees in

possession to be exempted from covenants to use land only for affordable housing and from occupancy restrictions linked to the development of the affordable homes.

5.22 Pre-application Discussions

5.22.1 Negotiations where affordable housing is involved often require considerable input. Contact should be made with the Council at the earliest opportunity and well in advance of any planning application being submitted. Negotiation must be concluded before the Council decides on the planning applications or schemes will be recommended for refusal.

5.23 Registered Providers Already Operating in Medway

5.23.1 Medway Council operates a flexible approach to partnership working and does not maintain a list of preferred Registered Providers. However, a number of Registered Providers have been developing and managing affordable stock in Medway for a long period of time which has enabled them to develop a better understanding of need and operating procedures in Medway.

5.23.2 Where a developer is seeking to deliver affordable units or deliver the units in partnership with a Registered Provider not currently operating in Medway it is advised that the Housing Services Team be contacted at the earliest opportunity.

5.23.3 This is advised to ensure the organisation delivering the affordable units is fully aware of the housing need requirements of Medway and the necessary standards are achieved in terms of both build and management. Medway Council will only seek to work with organisations that can demonstrate a long- term commitment to affordable housing delivery and management in line with the Council's strategies and objectives.

5.23.4 A list of Registered Providers currently operating in Medway can be obtained from the Housing Services Team.

5.24 Policy/Evidence Base

[National Planning Policy Framework: annex 2](#)

[North Kent Strategic Housing Market Assessment \(2015\)](#)

[Housing Association Guide to Disability Equality Schemes and Action Plans](#)

6 Self-build and Custom Housebuilding

6.1 Background

- 6.1.1 Self-build and custom build can be an important source of delivering a mix of homes.
- 6.1.2 Self-build is generally where the owner is directly involved with and/or manages the design and construction of their new home, while the custom housebuilding approach is where the owner commissions the construction of their home from a developer / builder / contractor / package company who builds the property to the owner's specifications. With custom build the occupants do not usually carry out any of the physical construction work but still make key design decisions.
- 6.1.3 To identify and provide for people who wish to build their own home, the Council maintains a Self-build and Custom Housebuilding Register of interested parties and reports the headline data annually on the Council website.

6.2 Meeting the Demand on the Self-build and Custom Housebuilding Register

- 6.2.1 To ensure a consistent supply to meet the demand on Medway's Self-build and Custom Housebuilding Register, sites of 100+ dwellings will be required to supply no less than 4% of serviced dwelling plots for sale to self or custom builders, excluding flatted developments. These will be secured by use of a Section 106 agreement.
- 6.2.2 If it is not viable to provide self-build plots on site, applicants would be expected to present robust evidence to show why for the Council to consider.
- 6.2.3 Sites (including the self-build element) that meet or exceed the threshold to trigger the requirement for developer contributions will attract mitigation contributions in the same way as any other housing development.

6.3 Marketing the Self/Custom Build Plot(s)

- 6.3.1 Once a site has received outline permission and plots become available for sale, the landowner/developer is required to market (to the satisfaction of the Council) the plots available for self/custom-build for a minimum period of 12 months. The 12 months will start from when the plots are first available for purchase with the responsibility on the plot provider to notify the Council when the marketing period has begun.
- 6.3.2 If any plot(s) remain unsold after being marketed for the minimum period, they can either remain for sale as a self/custom build plot or be offered to the Local Authority to acquire for the provision of affordable housing (separate from any relevant affordable housing requirement for the Development as applicable), before reverting back to the land owner to build out on the plot or sell without restriction¹. To prevent the delay of housing delivery, the Local Authority will be given a time

¹ All contact would need to be made through the Housing Team at Medway Council who will facilitate contact with housing associations.

period of three months to acquire the vacant plot(s)². This provision will be secured as part of the original Section 106 agreement.

- 6.3.3 The Local Planning Authority would expect to see clear and robust evidence to show that there is no demand from self/custom housebuilders following a sustained 12-month period. This would include evidence showing records that the site has been actively marketed by a recognised commercial agent and should include a copy of the dated letter of instruction to the commercial agent, dated records of associated web-based marketing and the Estates Gazette, or similar publication. Plots should be marketed at a reasonable price commensurate with local market values. The commercial agents should provide records of enquires throughout the period of the marketing campaign, including date, contact details and nature of enquiry and the follow-up actions undertaken, e.g. whether the enquiry resulted in a site visit.

6.4 Policy/Evidence Base

[Policy T9: Self-build and Custom Housebuilding](#)

[Medway Self-build and Custom Housebuilding Topic Paper May 2025](#)

² This timeframe shall be calculated from the date of the initial correspondence. This timeframe may be extended at the mutual agreement of the landowner, land promoter, local authority or housing association.

7 Air quality

7.1 Background

- 7.1.1 Poor air quality affects human health and the environment. Developments have the potential to affect local air quality significantly, through the location and design of receptor locations and through an associated increase in emissions.
- 7.1.2 All new developments shall have due regard to the Medway Air Quality Planning Guidance. This guidance applies to all new full or outline planning applications submitted after April 2016 and not to reserved matters applications where outline approval was consented before the adoption of the Air Quality Planning Guidance. The guidance has been developed in conjunction with the other Kent local authorities to improve air quality across the region and encourage emissions reductions to improve the environment and health of the population. The document aims to provide developers with clear information as to what the council requires and provide consistency in how the council will approach planning applications in terms of air quality. The damage costs approach set out in the document seeks to minimise the emissions impact of developments wherever practicable to sustainable levels, by securing reasonable emission mitigation while also seeking to counter the cumulative impacts arising from all developments.

7.2 Policy / Evidence Base

[Air Quality Planning Guidance April 2016 \(Medway Council\)](#)

[National Planning Policy Framework \(NPPF\)](#)

[Four Elms Hill AQAP 2022](#)

2025 - 2030 AQAP - Copies can be provided on request.

8 Bird Disturbance Mitigation

8.1 Strategic Access Management and Monitoring Scheme (SAMMS)

- 8.1.1 Much of the estuary and marshes along the north Kent coast on the Thames, Medway and Swale are designated Special Protection Areas (SPA), or Ramsar sites. This is in recognition of their international significance for wintering birds, in particular waders and waterfowl.
- 8.1.2 Research commissioned by the North Kent Environmental Planning Group found that there have been marked declines in the numbers of birds using the SPAs, in particular those locations with high levels of public access. The research demonstrated that 75% of visitors surveyed had travelled from within 6km. A series of strategic mitigation measures to reduce bird disturbance caused by recreational visitors to the SPAs and Ramsar sites is delivered by Bird Wise North Kent. The Bird Wise North Kent Mitigation Strategy is supported by the north Kent planning authorities, and endorsed by Natural England in addressing this aspect of potential impact to the Special Protection Areas.
- 8.1.3 A SAMMS contribution of £337.49 will apply to any new dwelling created within the 6km zone of influence of the protected sites. In some circumstances, the tariff will apply up to 10km. The council applies the tariff to all new residential developments within the defined zone and criteria of the strategic scheme, including those under 10 dwellings. This sum is index linked and subject to annual review. Development in close proximity to the designated areas and of particular scale will be assessed at planning application stage for additional contributions to mitigations.

8.2 Policy/evidence base

[Footprint Ecology, 'Bird Disturbance Study North Kent 2010/2011](#)

[Footprint Ecology, 'North Kent Visitor Survey Results](#)

[Footprint Ecology, 'Thames Medway Swale Strategic Access Management and Monitoring Scheme'](#)

[Medway Council Interim Policy Statement – Strategic Access Management and Mitigation 2015](#)

[Further information on Bird Disturbance in north Kent](#)

[Information on Bird Wise North Kent](#)

9 Cultural Services

9.1 Cultural and Community Infrastructure

- 9.1.1 Cultural and community infrastructure are central to Medway's regeneration strategy and Local Plan priorities. Theatres, music venues, heritage sites, libraries, and community hubs play a vital role in shaping vibrant, inclusive places that support economic growth, wellbeing, and civic engagement. These spaces foster creativity, celebrate Medway's rich identity, and provide accessible platforms for learning, participation, and social connection.
- 9.1.2 Strategic initiatives such as the Chatham Creative Quarters and Medway's role in the Thames Estuary Production Corridor are unlocking new opportunities for creative industries and cultural organisations, positioning the area as a key player in the South East's creative economy. At the same time, investment in community infrastructure, including libraries, community hubs, and public spaces, ensures that regeneration is inclusive and responsive to local needs, supporting stronger, more resilient communities.
- 9.1.3 Embedding both cultural and community infrastructure into regeneration plans ensures that development is not only economically sustainable but also socially and culturally enriching, creating places where people want to live, work, and thrive.
- 9.1.4 As Medway continues to grow and evolve, investment in cultural infrastructure supports the creation of vibrant town centres, attracts inward investment, and enhances the borough's appeal to both residents and visitors. By embedding cultural assets into regeneration plans, Medway can ensure that development is not only economically sustainable but also socially and culturally enriching, creating places where people want to live, work, and visit.
- 9.1.5 This element of social infrastructure is wide reaching in terms of its benefits, providing for the health, welfare social, educational, spiritual, leisure and recreational needs of the community. They enable residents to participate in community life and enable people to connect with others in their local area.
- 9.1.6 It is important that:
- Cultural and community facilities are well connected to other community facilities, public transport services, open space, recreation facilities, and employment and education opportunities.
 - Corresponding services are relevant to local people and can be flexible enough to respond to changing needs.
 - Community services infrastructure should be equitably distributed so that all groups in the community are able to benefit
 - Community infrastructure is integrated well into its surroundings and the landscape and natural attributes of sites and settings.
- 9.1.7 Contributions will be sought for a variety of cultural and community facilities and can often be provided by many different types of community and faith groups, community centres, village halls, churches and other places of worship, local organisations, etc. major planning applications are received, community facilities of all types in that particular area will be reviewed and contributions requested for the most appropriate to the development.

9.2 Policy/Evidence Base

[Creative Medway Cultural Strategy](#)
[Thames Estuary Production Corridor](#)
[Chatham Creative Quarters](#)

Charge: £251.84 per dwelling

9.3 Heritage and Tourism Infrastructure

- 9.3.1 The Heritage and Museums service of Medway Council is responsible for Medway's most iconic and historic buildings, including Rochester and Upnor Castles, Temple Manor in Strood, Eastgate House and the Guildhall Museum in Rochester and the Brook Pumping Station in Chatham.
- 9.3.2 As well as operating the buildings as places to visit for the public, the service also conserves and maintains these buildings and collections, provides an educational service for local and visiting schools, and develops exhibitions, events, and activities throughout the year. The Councils Heritage Service are major assets for the entire Medway population and demands on their fabric upkeep and maintenance and costs directly increase with local population growth.
- 9.3.3 Not all heritage sites are run directly by Medway Council. Heritage sites operated by non-council organisations are vital to Medway's cultural and economic landscape. These independent or charitable bodies often bring specialist expertise, flexible funding models, and community-led approaches that enhance the sustainability, innovation, and reach of heritage assets. They can attract external investment, deliver high-quality visitor experiences, and engage diverse audiences in ways that complement council-led services.
- 9.3.4 By working in partnership with these organisations, Medway benefits from a broader cultural offer, increased capacity for programming and outreach, and stronger connections between heritage, tourism, and regeneration. This collaborative model supports the preservation of historic sites while ensuring they remain active, relevant, and accessible to the public.
- 9.3.5 Tourism is a key driver of Medway's economy, drawing visitors to its rich heritage, cultural attractions, and waterfront destinations, while supporting local businesses and jobs. To sustain and grow this impact, robust tourism infrastructure, including transport links, signage, and public realm improvements, is essential for creating a welcoming, accessible, and memorable visitor experience.
- 9.3.6 Contributions will be sought for a variety of heritage and tourism infrastructure and can often be provided by many different types of community groups, community centres, village halls, churches and other places of worship, local organisations alongside the Council.
- 9.3.7 The Heritage and Tourism contribution of **£391.28 per dwelling** in line with the defined thresholds applies to developments within 1,000 metres of the sites identified in 2.1.

9.4 Policy/Evidence Base

Cambridge Economic Tourism Impact Study 2023

Kent Destination Management Plan 2024

9.5 The Library and Archive Service

- 9.5.1 Medway Council has a statutory duty to provide a public Library service that is 'comprehensive and efficient' (under the 1964 Public Libraries and Museums Act.)
- 9.5.2 Medway's Community Hub and Library Services is made up of 15 buildings across every village and town in Medway a Pop-up Library and Home Delivery Service.
- 9.5.3 Seven Community Hubs provide an expanded model of traditional libraries, offering both cultural and practical services across six key locations: Chatham, Gillingham, Rochester, Strood, Twydall, Lordswood and Wigmore. These hubs provide access to books, digital resources, and public computers, while also serving as local service centres where residents can make council payments, collect recycling supplies, and receive face-to-face support for a wide range of council and partner services.
- 9.5.4 The Library Service, which operates out of each Community Hubs and the remaining 8 library spaces, complements this by offering events, reading programmes, and resources for all ages, including job-seeking support, children's activities, and digital literacy tools. Together, the hubs and libraries form a vital part of Medway's community infrastructure, supporting learning, wellbeing, and civic engagement.
- 9.5.5 Medway Archives Centre, based in Strood, is a vital cultural and historical resource that helps preserve and share the stories of Medway's people, places, and heritage. It houses a rich collection of archives, books, photographs, maps, periodicals, and research guides that support family history, local history, and academic research. The Centre also hosts exhibitions and events that explore Medway's social, industrial, and cultural past, from health institutions and pandemics to literary connections with Charles Dickens.
- 9.5.6 Its importance lies in its role as a guardian of local memory, enabling residents, researchers, and visitors to explore Medway's identity and evolution. By making historical records accessible and engaging, the Centre supports education, community pride, and cultural continuity, contributing to Medway's broader heritage and regeneration goals. Medway Archives Centre is an accredited national archive, having been awarded accreditation in November 2021 by the UK's Archive Service Accreditation Committee.

Charge: Investment in existing provision £226.98 per dwelling or towards the provision of a new library £419.14 per dwelling

9.6 Policy/Evidence Base

[Public Libraries and Museums Act \(1964\)](#)

New DCMS National Library Strategy due in 2026

New Medway Library Plan due in 2026

[Libraries Connected Strategic Plan 2023 - 2027](#)

10 Education

10.1 Background

- 10.1.1 Medway Council has a statutory duty to provide sufficient school places. Central government provides basic need funding to help provide extra places due to demographic growth, but this does not cover pupils from new housing. Therefore, developers need to contribute towards the additional extra places required due to new housing.
- 10.1.2 Department for Education guidance states that basic need allocations do not factor in the cost of land acquisition, so it is particularly important that any land required within larger development sites for schools is provided at no cost to the local authority wherever possible.
- 10.1.3 Only dwellings which are suitable for family occupation will be included for the purposes of an education request. Family dwellings are defined as dwellings with two or more bedrooms.
- 10.1.4 When assessing a contribution, the council will compare the expected number of pupils from a development, and the forecasted number of places available in nearby schools. Contributions will be requested in proportion to any forecasted shortfall in places.
- 10.1.5 The council will also consider the wider picture, looking at the developments in an area as a whole rather than in isolation. This is to ensure a co-ordinated solution to school places. For example, 776 houses would generate 210 pupils and raise the need for a 1FE primary school. These 776 homes could be at a single site, or spread across multiple developments.
- 10.1.6 The National Planning Policy Framework states that planning policies should minimise journey lengths for education, and where practical, primary schools should be within walking distance of developments. Medway Council defines nearby schools as within walking distance (2 miles for primary and 3 miles for secondary).
- 10.1.7 A 5% surplus capacity is maintained to ensure that if more pupils move into the area than forecast, there will be places available. 5% is a nationally accepted surplus.
- 10.1.8 Funding from developer contributions will be utilised for providing early years, primary, secondary, 6th form, and special provision.
- 10.1.9 The National Planning Policy Framework states that planning policies should minimise journey lengths for education, and where practical, primary schools should be within walking distance of developments. Medway Council defines nearby schools as within walking distance (2 miles for primary and 3 miles for secondary).

10.2 Charges

- 10.2.1 The charge per dwelling for an expansion at an existing school is:

	Flats	Houses
Nursery:	£693.24	£2,541.88
Primary:	£2,079.72	£6,239.16
Secondary:	£1,906.98	£6,038.77

Sixth form:	£635.66	£1,589.15
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10.2.2 When a new school is required to accommodate demand the following charges would apply per dwelling:

	Flats	Houses
Nursery:	£827.70	£3,034.90
Primary:	£2,483.10	£7,449.30
Secondary:	£2,005.44	£6,350.56
Sixth form:	£668.48	£1,671.20

10.2.3 The Education service requests contributions on a pupil yield basis. At the point of agreeing the S106 agreement, this is converted into a charge per dwelling. The pupil product per dwelling is:

	Flats	Houses
Nursery	0.03	0.11
Primary	0.09	0.27
Secondary	0.06	0.19
Sixth Form	0.02	0.05

10.2.4 In some cases, the council will accept alternatives to a financial contribution. This is at the sole discretion of the council, and would generally be on large developments. Where developments are over 776 dwellings, there is an opportunity to discuss with the local authority how best to deliver a new school. The specification of the facilities would be determined by the council, and would include all furniture, fixtures, and information technology equipment, as necessary. For example, in lieu of a financial contribution a developer could provide their own nursery provision, or for larger developments with significant number of pupils, a new school.

10.3 Policy/Evidence Base

Pupil Product Ratios – MORI study 2005/06

Annual forecast rolls - Annual Review of the School Place Planning Strategy

[DfE guidance: Securing developer contributions for education](#)

[Charge per pupil – DfE Local authority school places scorecards](#)

11 Skills

11.1 Background

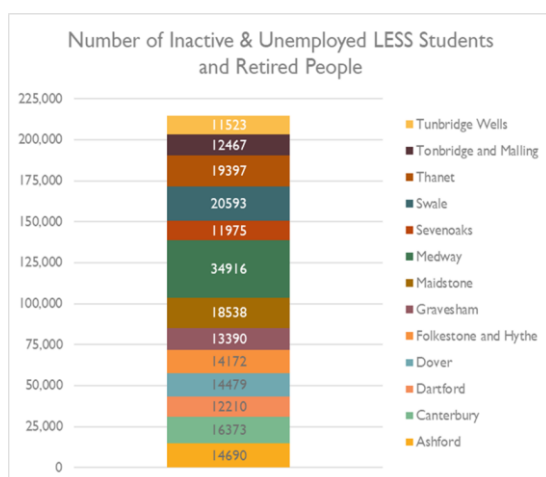
11.1.1 Medway Council is ambitious for people of all ages to have the skills and experience to take up job opportunities created by growth and regeneration. The Skills & Employment Team work on a huge variety of projects, ranging from furthering apprenticeships, to promoting Supported Internships, supporting the delivery of the Connect to Work programme and delivering the Kent & Medway Careers Hub. The team also deliver bespoke projects to support specific crucial interventions where they are most needed, for instance the 50+ employment programme, commissioned by the Job Centre, or the Construction Skills programme commissioned by the CITB.

11.2 Policy/Evidence Base

11.2.1 Economic inactivity is still a challenge in Medway, and S106 funds can be crucial in helping to unlock opportunities for people to gain the right skills and experience to thrive in the workplace.

11.2.2 Young people aged 16-18 who are Not in Employment, Education or Training (NEET) are also on the rise in Medway. Currently 6.6% of the 16–18-year-old cohort are NEET or not known. S106 could provide vital opportunity to support our NEET population to gain vital skills in the right provision.

11.2.3 The Skills & Employment team hold a variety of examples of relatively small amounts of funding can make a big difference in supporting people to successful outcomes. Contributions will be sought to deliver bespoke programmes in areas of need in priority and skills shortage sectors.



12 Flood Risk Management & Sustainable Drainage

12.1 Background

- 12.1.1 A number of areas within Medway are at risk of flooding, including tidal, surface water, groundwater and flooding associated with ditches and streams.
- 12.1.2 Flood risk in Medway is managed by a number of Flood Risk Management Authorities including the Environment Agency, Medway Council (as Lead Local Flood Authority and Highways Service), Internal Drainage Boards, and Southern Water. South East Water serves Halling.
- 12.1.3 The National Planning Policy framework requires certain sizes and locations of development to submit a Flood Risk Assessment (FRA) as part of the planning application process. These assessments identify any flood risks and mitigation measures required to make a development viable.
- 12.1.4 The consequences of flooding would be dependent on the nature, scale, and location of a development; therefore, it is not possible to provide standardised guidance on what mitigations would be required at a typical site although further information can be sought on the Medway Council's website.

[Medway Council Local Flood Risk Management Strategy](#)

12.2 Policy Context

- 12.2.1 The NPPF emphasises the importance of meeting the challenge of climate change, flooding, and coastal change, and sets out the Government's approach within the National Planning Policy Guidance (NPPG). Local Plan policies set out the approach to sustainable drainage and flood risk mitigation.
- 12.2.2 A number of documents are relevant to the planning process at a local level. The Medway Strategic Flood Risk Assessment (SFRA) which assesses the risk of all sources of flooding within Medway and supports the Local Plan to help make planning decisions. The Local Flood Risk Management Strategy is a key document which identifies objectives to manage sources of local flood risk such as surface water, groundwater and ditches/streams. Work on the new Local Plan has included updates to the SFRA and the Council is working with the Environment Agency to produce further details of flood defence infrastructure to be delivered to support planned development.
- 12.2.3 The Environment Agency (EA) published the Medway Estuary and Swale Strategy (MEASS), a flood and coastal erosion risk management strategy which will determine the best economic, environmental and technically appropriate approach to managing flood and coastal erosion risk within the strategic area, and identify suitable schemes to deliver the policies set out within the Medway Estuary and Swale, and the Isle of Grain to South Foreland Shoreline Management Plans. MEASS is due to be published in summer 2018 and will contain plans for tidal frontages at risk of flooding through Medway for the next 100 years, setting out required capital funded defence works and identifying where third-party partnership funding will be required. Any potential development sites should make reference to MEASS and where sites would benefit from flood defence works, a contribution for the site and/or wider strategic area may be requested.

12.3 Assessing the requirement

- 12.3.1 Flood mitigation works needed as a consequence of a development proposal are determined through completing a Flood Risk Assessment (FRA) (where required). FRA's provide an assessment of the risk of flooding from all sources including groundwater, coastal, tidal, fluvial and pluvial. FRA's identify flood mitigation measures and provide advice on actions to be taken before development commences, taking into account local policies and strategy. The FRA will be submitted with the application and reviewed by the relevant Risk Management Authorities.
- 12.3.2 The risk of pluvial/surface water flooding is generally managed via the use of on-site Sustainable Drainage Systems (SuDs). SuDs designs can be integrated into the layout of a site and provide an opportunity to fulfil several planning objectives via the provision of amenity and biodiversity, and can contribute towards improvements to water quality. If considered early in the design phase of a development, then both the capital costs of drainage and amenity can be reduced along with maintenance costs. Above ground systems are more economical to construct and maintain, compared with underground systems over the lifetime of a development. Medway Council Lead Local Flood Authority promotes the use of above ground systems where possible and appropriate.

12.4 Scope for contributions

- 12.4.1 Schedule 3 of the Flood and Water Management Act 2010 prescribed that major developments would need drainage approval from the Lead Local Flood Authority who would be expected to adopt and maintain approved sustainable drainage systems. However, a funding mechanism is yet to be realised for the ongoing maintenance and therefore this schedule has yet to be enacted. In the interim, the NPPF requires developers to design SuDs in accordance with the national SuDs guidance and any other local guidance where available. Under certain circumstances, the Council may consider adopting SuDs ahead of the implementation of the Act. In such circumstances, the cost of ongoing maintenance could be part of the Section 106 negotiation (or commuted sums if part of a Section 38 Highways Adoptions Agreement).

12.5 Summary

- 12.5.1 In regeneration areas, flood mitigation may be best served through strategic flood solutions that serve the wider area/collective developments. Current work is ongoing with regards to the phasing of developments/flood mitigation works to ensure that risk is appropriately managed at a strategic scale.
- 12.5.2 Flood risk mitigation, including the use of SuDs may in some instances be combined with other requirements and initiatives such as green infrastructure, open space provision, urban and landscape design. These wider issues should be discussed with the Council via the pre planning process to ensure that a proposal does not compromise either requirement or any other future infrastructure provision.

12.5.3 The solutions described above will normally be secured through planning conditions; however, planning obligations may be required to secure elements such as the timing, adoption, maintenance and or financial contributions to offsite solutions.

13 Health

13.1 Background

- 13.1.1 NHS Kent and Medway Integrated Care Board (ICB) is the statutory NHS organisation that plans and buys healthcare services to meet the needs of 1.9million people living in Kent and Medway.
- 13.1.2 The ICB has responsibility to ensure health services, and all future proposed developments are sustainable from a revenue affordability, capital investment and workforce perspective. Wherever possible, the ICB should maximise the delivery of care close to where people live, and that existing and neighbouring residents' access to NHS health and care services is not disadvantaged by new developments. It is essential to deliver care in a way that makes best use of resources, including physical infrastructure.
- 13.1.3 The ICB holds responsibility for NHS strategic planning and allocation decisions for healthcare services. It is also responsible for bringing partner organisations and partners at a system and place level together in a collaborative way to improve health and care outcomes, putting patients at the centre of healthcare delivery. This includes working with voluntary, community and social enterprise colleagues, alongside upper and lower tier councils to explore greater opportunities to use our collective estates as an enabler to deliver high quality care and support in fit-for-purpose facilities that improve the experience for residents.
- 13.1.4 The ICB may seek financial contributions and/or facilities/land from developments to mitigate the impact of growth on infrastructure and services including, but not limited to:
- Primary Care – GP surgeries
 - Acute (Secondary) Care - hospitals
 - Community Health Care
- 13.1.5 The ICB uses specific models to calculate the likely population numbers generated by any given development. Information will be required regarding the total number of dwellings, housing mix proposed and phasing. The ICB will seek proportionate obligations based on the infrastructure needed to mitigate a development's specific health and care impact.
- 13.1.6 Unless otherwise stated, no distinction will be made between:
- 'Open Market' and 'Affordable Housing'
 - Caravan parks and similar forms of accommodation that are occupied for 12 months of the year as permanent residences
 - Flats and houses
 - C2 dwellings
 - Age restricted dwellings (over 55s)

13.2 Level of Contributions required

The Kent and Medway ICB will request contributions on a case by case basis towards health facilities as set out in their [developer contributions guide](#).

Service area	Threshold for seeking S106 Contributions	Expected Contribution Range	Index
Primary care	20 dwellings or more	Up to £2,000 per unit	BCIS All-in Tender Price
Community care	20 dwellings or more	Up to £400 per unit	BCIS All-in Tender Price
Secondary / acute care	300 dwellings or more	Up to £4,800 per unit	BCIS All-in Tender Price

Level of contributions required by NHS Kent and Medway

14 Social Care

14.1 Background

- 14.1.1 Social care covers a wide range of services provided to the most vulnerable people in the community. It includes Social Work teams, Occupational Therapists, who support older people, adults with physical disabilities, adults with learning disabilities, adults with mental ill health and their Carers. However, there are significant challenges facing Medway Adult Social Care and the choice that it can offer its residents, similar to other local authorities across the UK. Costs are steadily increasing, and this is particularly true of the residential care home sector, particularly those supporting people with complex dementia.
- 14.1.2 Under the Care Act 2014, individuals have the legal right to make choices about their care and support. The Act places a duty on local authorities to ensure that people are at the centre of decisions affecting their lives, including being offered a range of high-quality care options that reflect their personal preferences and needs. It promotes person-centred care planning, where individuals can shape their own support arrangements, including through personal budgets. This empowers people to choose services that best suit their circumstances, fostering independence, dignity, and well-being.

14.2 Policy context

- 14.2.1 In year 2023/2024, Medway's total gross spend on Adult Social Care was £139.5million, up from £124.8million in 2022/2023. At end of Quarter 1 2024/2025, the figure was forecast at £145million.
- 14.2.2 Residential and nursing care costs account for a large proportion of total expenditure. The total gross spend across Residential and Nursing for all Adult Social Care client groups for 2022/23 was £46.9million. It rose to £52.9million in 2023/24, representing 38% of total Adult Social Care spend.
- 14.2.3 Adult Social Care received 14,864 requests for support from clients in 2024-25. In this period, 6.8% of the completed requests had an outcome of new long-term community, residential or nursing care. 60.4% of the new requests came from those aged 65 and over, which is a further reduction on the 67.1% in 2023-24.
- 14.2.4 In the Medway Joint Strategic Needs Assessment for Adults, it projects that the percentage of residents aged over 65 will increase by 24% by 2040, representing an additional 11,400 people. However, the number of adults aged 18-64 is set to see an increase of only 1% in the same period. The largest increases are predicted in the older age cohorts, with a particularly large increase of 55% in those aged 85+, representing an extra 3,100 people.
- 14.2.5 An ageing population is likely to see increases in conditions such as dementia. There is a predicted 38% increase in the number of older people within dementia between 2023 and 2040. Other projections indicate a greater potential increase, with a rise by 46% over a shorter time period between 2019 and 2030.

14.3 Requirements

- 14.3.1 Medway Council is facing a shortage of care home provision, and new care home placements, which has led to an increase in the average bed cost. In addition, the Council is having to commission placements in Care Homes that are not rated

as good or outstanding.

14.3.2 Since 2020 we have observed an increase in planning applications for new care home developments. Although capacity is slowly growing, it is not growing at the pace to meet future demand or that creates a competitive market.

14.3.3 There is a growing demand for a specialised care home in Medway that can meet the needs of residents living with dementia in a residential and nursing facility. It is estimated nationally that around 70% of care home residents are living with some form of dementia. Of Medway's total ASC clients, 10% had dementia as a primary care need as of March 2024; 96% of those were over 65.

14.3.4 The lack of capacity within Medway means a proportion of our residential and nursing dementia clients live in care homes outside of Medway. Not only does this increase the weekly cost; it places pressure on family and carers who need to travel further to visit. In March 2024, this represented 11.4% of our residential and nursing care clients (all ages), a slight but sustained increase from 9.3% in April 2021.

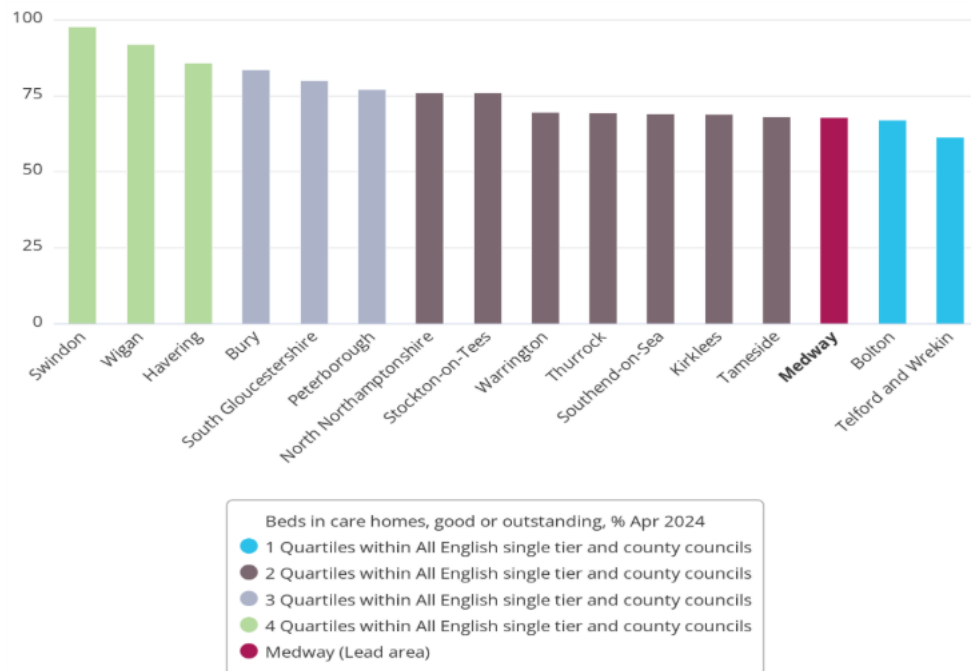
14.4 Current landscape

14.4.1 In April 2024 there were 70 care homes in Medway. 16 care homes include nursing provision, and the remaining 54 are without nursing. In terms of beds provided, there were 809 beds in care homes with nursing (note: not all of these will be nursing beds), and 876 beds in care homes without nursing. This is a total of 1,685 beds in Medway in April 2024 - the equivalent of 778.04 beds per 10,000 people aged 75 and over (see Table 1 below). It is important to note that these are the number of beds in Medway and not the number of contracted beds the council has with care homes.

Area	Care homes, good or outstanding, %	Beds in care homes, good or outstanding, %	Care homes with nursing, good or outstanding, %	Beds in care homes with nursing, good or outstanding, %	Care homes without nursing, good or outstanding, %	Beds in care homes without nursing, good or outstanding, %	Community based locations, good or outstanding, %
	Apr 2024						
England	77.2	74.7	74.3	73.2	78.4	76.1	59.1
Medway	67.1	67.9	56.3	63.3	70.4	72.1	30.1
Mean for Southeast (ADASS Region)	76.8	72.6	71.4	70.8	78.9	75.0	58.0

14.4.2 The combination of lack of both capacity and high-quality provision in the table below (Table 3) illustrates Medway's current challenge.

Table 3: Percentage of beds in care homes that are rated overall as good or outstanding (Apr 2024) for Medway & Medway NHS England Peer Group (Quantiles of All English single tier and county councils)⁵



14.4.3 The current lack of capacity does not provide the service to which we aspire for our residents, and the Council is not meeting its duties detailed in section Service data indicates a rising prevalence of dementia in care home users, and the number of people with dementia in Medway is predicted to rise by 46% between 2019 and 2030.

14.5 Where it applies?

14.5.1 All developments of 10 or more dwellings.

14.6 Summary

14.6.1 A contribution towards purpose-built facilities to meet the needs of the increased, ageing population in Medway, i.e. the redevelopment of units such as Nursing care homes and accommodation suited to care for people living with Dementia.

Charge: £287.12 per dwelling

15 Open Space and Outdoor Formal Sport

15.1 Background

- 15.1.1 Contributions will be pro-rata where suitable on-site provision is made in accordance with local standards established in the *'Playing Pitch & Outdoor Facilities Study (December 2012)*, *Playing Pitch Strategy, 2019* (under review), *Open Space PPG17 Study (June 2012)*, *Open Space Assessment (2024)* and *Fields in Trust* standards. This excludes athletics tracks, civic spaces, churchyards and green corridors. Contributions will be requested on all developments even where on-site provision is made.
- 15.1.2 Quality and quantity of open space provision varies across Medway. All development will result in the need for additional open spaces, and this contribution will be utilised to best meet local need arising from development in the area either through provision of new facilities or improvements to existing facilities and sites to create additional capacity for new residents.
- 15.1.3 Medway's open space typology standards are shown as follows. This is a guide only and the service will assess each site based on the information provided within the planning application.

Typology	Medway standard (hectare per 1000 people)	
Parks & Gardens	0.8	
Play - equipped	0.25	
Play - Informal	0.3	
Amenity Greenspace	0.6	
Natural Greenspace	1.8	
Outdoor Sport - pitches	1.2	
Outdoor Sports - courts, greens, tracks and trails	0.4	
Allotments	0.25	
Total	5.6	hectares

(based on *Fields in Trust* standards)

- 15.1.4 Requests will not be made on sheltered housing and special needs housing for the elderly developments. Retirement flats/housing will be expected to contribute and will be tailored to address senior parks and dementia access in nearby greenspaces.
- 15.1.5 The Great Lines Heritage Park is an asset for the whole of Medway, and demands on its upkeep and maintenance increase proportionately with population. A tariff

will apply to all developments of more than 10 units and will equate to 5% of the overall s106 contribution. For developments within 700 metres of the Great Lines Heritage Park this standard tariff will be doubled to 10%.

15.2 Additional notes

- 15.2.1 The provision of open space on Employment Areas and implication on existing open space will be considered on a case-by-case basis having regard to the likely scale of the workforce that will be employed within the development.
- 15.2.2 Greenspace Services will not usually accept the transfer of any land to Medway Council (playgrounds, allotments, parks, informal open space, sports pitches) which would create additional landscape maintenance responsibilities and costs to the Council. Developers should therefore ensure they make their own arrangements for the management and maintenance of landscaping associated with a development to be agreed with Greenspace Services. If the Council accepts transfer, a charge adequate to cover 15 years maintenance with annual indexation will be levied.
- 15.2.3 Payment of S106 contributions will be sought at the earliest possible stage of the development to enable the funding of project work associated with that development. Accordingly, the trigger for payment of the contribution will be on commencement of civil engineering works, or in exceptional circumstances on the 1st occupation. Where developments are subject to significant phasing it is acknowledged that payment of S106 contributions could be phased in accordance with progress of that development.

Charge: £3,506.75 per dwelling

15.3 Policy/Evidence Base

- Outdoor Sports Facility Study, 2012
- Playing Pitch Strategy, 2019 (being updated in 2025/26)
- Built Facilities Plan, 2025 (currently in progress)
- Local Football Facilities Plan, 2025
- Open Space PPG17 Study, 2012
- Open Space Assessment, 2024
- [Fields in Trust guidance](#)

16 Environmental Mitigation

16.1 What is Covered?

16.1.1 Where possible on-site management is required to offset biodiversity loss which cannot be adequately covered by planning conditions. Offsite provision will be required if on site option is not practical or available. The Council follows the national requirements for 10% Biodiversity Net Gain on prescribed developments.

16.2 Where it Applies?

16.2.1 All developments in the borough which would have a direct or an indirect impact on the natural environment through the loss of protected sites and species or priority ecological habitats, and mitigation impact of noise, light pollution or increased disturbance.

16.2.2 All built developments where the site has a biodiversity interest which would be adversely affected, and which has been identified through:

- Ecological Surveys / Environmental Impact Assessment / an Environmental Statement
- Consultation with the Kent Biological Record Centre, Kent County Council eco-advice service or site surveys by Medway Council officers, independent ecologists / and local, county and national conservation organisations

16.3 Requirement

16.3.1 The NPPF and the Draft Medway Local Plan sets out policies for the conservation and enhancement of the natural environment.

16.3.2 Direct loss of habitat and damage to species should be avoided where reasonably possible but mitigation and/or compensation will be sought when such loss is unavoidable.

16.3.3 The re-creation of habitat on site will always be sought as the first preference and off-site compensation should only be considered when all other means have been exhausted.

16.3.4 The developer will be liable for all off site costs associated with survey, translocation, species protection, habitat enhancement and site purchase, management and monitoring where off-site mitigation is required.

16.3.5 Where it can be recognised that development could lead to increased pressure on adjacent sites of nature conservation interest, due to noise, disturbance, increased predation (disturbance by domestic pets), light pollution, or through increased amenity use of the site a financial contribution will be sought to minimise these impacts.

16.3.6 The extent, nature and management of required habitat enhancement or creation will depend on the size of the development, its location in the context of designated sites and likely impact on biodiversity.

16.4 Charging System

16.4.1 Charge will be based upon costs identified to meet the needs of each site. It is

anticipated that mitigation and subsequent management will be undertaken through 1 or more of the following mechanisms.

- a) On-site mitigation
Medway Council will not normally take on management of development sites where mitigation work has taken place, and the developer will need to make arrangements with a third party.

Should the Council take on responsibility, an endowment charge equal to 15 times the annual cost of management works (plus indexation) will be payable based on an agreed management plan.
- b) Off-site mitigation on Council land
In instances where it is agreed that mitigation can take place on Council owned land, the developer will be responsible for meeting all capital costs associated with preparing the mitigation land together with a charge equal to 15 times the annual cost (plus indexation) of maintaining the area to an agreed management plan.
- c) Off-site mitigation on third party land
In this instance it is for the developer and the third party to agree design and payment for creation and management.

16.5 Formulae

- 16.5.1 Contributions must, at a minimum, ensure like for like provision. In accordance with established ecological standards this will normally require a 2 for 1 replacement ratio. This is to compensate for the loss of quality when creating new habitats.
- 16.5.2 Mitigation and / or compensation measures should be ecologically functioning prior to the commencement of the development – this is particularly important for the protection of protected species.
- 16.5.3 Long-term management costs will be based on annualised costs set out in a site-specific management plan.

16.6 Policy/Evidence Base

[Kent and Medway Local Nature Recovery Strategy](#)

17 Public Health

17.1 Background

- 17.1.1 An estimated 30% of Medway's adult population and over 20% of children (at the age of ten) are classified as obese. The National Child Measurement Programme 2023/24 data showed Medway had rates above the England average. Medway obesity prevalence among 4–5-year-olds was 11.4% and 24.4% among children aged 10–11-year-olds (NCMP, 2024).
- 17.1.2 There are, as of April 2025 272 registered hot food takeaways in Medway – equating to 1 per 1,075 people. The majority of these premises are located in town, local and neighbourhood centres. It has been shown that there is a correlation between areas of multiple deprivation and where hot food takeaways locate.
- 17.1.3 In an effort to reduce childhood obesity in particular, Medway Council has produced a guidance note that seeks to decrease the prevalence of hot food takeaways in the area. New hot food takeaways of 100m², where they are deemed appropriate development, would be charged a fixed fee of £1,530.08.
- 17.1.4 This fee will contribute to the delivery of targeted interventions aimed at reducing childhood obesity within the ward. Initiatives will be developed in partnership with local stakeholders, including educational institutions, voluntary and community sector organisations, faith groups, physical activity providers, and youth services. Proposed activities may include the provision of nutritional education and resources, food growing schemes, improved access to existing facilities for children with additional needs, and the commissioning of structured physical activity programmes.

Charge: £1,530.08 or new hot food takeaways of at least 100m²

17.2 Policy/Evidence Base

[The National Planning Policy Framework](#) (2024)

Using the planning system to promote healthy weight environments Guidance and supplementary [planning](#) document template for local authority public health and planning teams

[Hot Food Takeaways in Medway, a Guidance Note, 2025](#)

18 Indoor Sports and Leisure Facilities

18.1 Background

- 18.1.1 Medway Council currently manage four sports centres – Medway Park, Strood, Hoo and Cozenton Park Sports Centre, plus The Strand Lido and Park and Watling Park 3G Football Centre. Medway Sport Centres currently have over 10,000 active members.
- 18.1.2 Medway Park hosts a comprehensive regional, national and international events programme with an average annual footfall of 750,000.
- 18.1.3 Medway Council also provide sport development opportunities and events for the community to increase engagement and participation in physical activity. This includes The Medway Mile, Summer of Sport, Muslim Women's yoga, Homeless Football and The Mini Youth Games (including Inclusive Youth Games). These opportunities take place in sports centres, greenspaces and formal outdoor sports facilities.
- 18.1.4 The projected increase in the population of Medway will create demand for additional modern and accessible indoor and outdoor sports facilities which reflect our customers' needs and current demands and align with the Medway Sports Facilities Strategy and Medway Playing Pitch Strategy. Outdoor sports are included under the Open Space section 15.
- 18.1.5 The Facilities Planning Model (2025) will review supply and demand for swimming pools, leisure centres and sports halls. This will further evidence the need for more and inclusive range of indoor sport facilities for an increasing and diverse population.

Charge: £334.63 per dwelling

18.2 Policy/Evidence Base

[Medway Sports Facilities Strategy](#) 2017

Facilities Planning Model (in progress in 2025 with Sport England)

A new version of The Medway Sports Facilities Strategy is currently in development to be published in 2026

19 Travel

19.1 Background

- 19.1.1 Developments generate the need to travel, and these movements often place additional demand on local and regional transport infrastructure. In accordance with the National Planning Policy Framework (NPPF), developments generating significant movements should be located where the need to travel will be minimised and the use of sustainable modes can be maximised, giving priority to pedestrian and cycle movements and creating safe and secure layouts that minimise conflicts between traffic and cyclists or pedestrians.
- 19.1.2 National planning policy requires all developments that generate significant amounts of movement to provide a Travel Plan, with applications supported by a Transport Assessment or a Transport Statement.
- 19.1.3 Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network, in the case of Medway, the A2 west and M2.

19.2 Policy Context

[National Planning Policy Framework 2](#)

<https://www.gov.uk/government/publications/national-planning-policy-framework-2>
National Planning Policy Framework chapter 9: Promoting sustainable transport

[Medway Local Plan 2003 \(Medway Council\)](#)

Medway Local Plan 2041 - Regulation 22 (Medway Council)

[Planning Practice Guidance: Travel plans, transport assessments and statements, March 2014](#)

[Circular 1/2022, 'Strategic road network and the delivery of sustainable development'](#)

[Planning for the future: A guide to working with National Highways on planning matters \(2023\)](#)

[Medway Local Transport Plan 2011-2026](#) (a new LTP is in development)

19.3 Requirement

- 19.3.1 This policy context shapes Medway Council's approach in respect of transport contributions, which will be sought for off-site mitigation in respect of the following:
- Sustainable travel: accessible and connected communities
 - Highway safety
 - Highway capacity
- 19.3.2 The highway works deemed necessary as a result of a development proposal

may include any works for improving the existing highway network, providing new highways, accommodating public transport, pedestrians and cyclists, associated engineering works and necessary legal and administrative costs. Highway works will normally be undertaken by the developer through a Section 278 agreement, which will include a charge for future maintenance. These works will be taken into consideration when determining the level of developer contributions.

19.4 Sustainable Travel: Accessible and Connected Communities

- 19.4.1 New developments will require access to key services by non-car modes and should promote walking, cycling and the use of public transport for employment, leisure and health purposes. Linkages between new developments and local facilities and community infrastructure, the public transport network and established walking and cycling routes are fundamental to achieving more sustainable patterns of movement and reducing reliance on the private motorcar.
- 19.4.2 Where necessary, improvements to non-car accessibility will be sought in the form of stand-alone transport measures and/or a contribution towards schemes that Medway Council has identified as providing wider benefits. A contribution towards public transport service provision and associated infrastructure may also be sought in order to enhance the sustainable credentials of the development.
- 19.4.3 Where necessary, and the development is of appropriate scale, additional on-site services and/or safeguarded lands may be required to provide appropriate non-car access to retail, social, health and education facilities. The Transport Assessment should provide an evidenced demonstration for the need or lack of need for such on-site services.

19.5 Highways Safety

- 19.5.1 Medway Council places high value on initiatives that reduce the impact of the school run on the highway network and promote 'active travel' to schools and other educational establishments. Development proposals may therefore be required to provide a contribution towards educational and promotional initiatives local to the site, including route improvements and the development of School Travel Plans.
- 19.5.2 For proposed major developments, a Transport Assessment is required to assess road safety data (available from Medway Council) within an agreed area. If the additional movements generated by the development are likely to increase the risk of crashes (all road users) in the vicinity of the site, either directly or indirectly through the diversion of traffic along other routes, a contribution towards mitigation measures may be required. This could be in the form of stand-alone improvements or a contribution towards a scheme that Medway Council has identified would provide wider safety benefits to the local highway network.

19.6 Highway Capacity

- 19.6.1 Developments that reduce the capacity of the highway network within an agreed area may be required to provide a contribution towards mitigation measures, with a view to ensuring a 'nil detriment' impact. This may be in the form of stand-alone measures or a contribution towards a scheme that Medway Council has identified would provide wider benefits to the local highway network. Developments that

generate a significant number of HGV movements may be required to provide a contribution towards measures identified in Medway Council's Network Management Plan, or measures to reduce the impact of HGV parking on the highway network.

20 Public Rights of Way (PRoW)

20.1 Background

- 20.1.1 Developments will often impact on the existing Public Rights of Way (PRoW) network and improvements may be required to facilitate additional use. Improvements to the existing PRoW network required as a result of a development may also necessitate the provision of new routes linking existing rights of way. In each case, the required improvements will be determined in relation to the scale of development, with a view to providing access to strategic facilities, including green infrastructure.
- 20.1.2 Integration with Historic and Strategic Networks Public Rights of Way (PRoW) form a historic and legally protected network that connects communities to services, schools, employment areas, and green infrastructure. Developers must assess how their proposals interact with existing PRoWs and ensure that any impacted routes are retained, enhanced, or appropriately diverted. A PRoW Management Plan should be submitted at pre-application stage for each affected route, outlining proposed works and how they align with Medway's Rights of Way Improvement Plan, Local Transport Plan, and wider public health and recreation strategies.

20.2 Distinct from Active Travel – Legal Status and Use

- 20.2.1 While PRoWs support walking and, in some cases, cycling and horse riding, they differ from active travel routes in terms of legal status and permitted use. For example, cycling is not permitted on public footpaths unless designated, whereas bridleways, restricted byways, and byways open to all traffic (BOATs) allow broader access. Developer contributions must reflect these distinctions, ensuring appropriate surfacing, signage, and accessibility improvements based on the classification and expected use of each route.

20.3 Developer Contributions and Delivery Mechanisms

- 20.3.1 Contributions towards PRoW improvements are assessed on a case-by-case basis. A standard contribution of £75 per dwelling applies to developments of 10 units or more, supporting minor upgrades to accommodate increased footfall. Where developments result in diversions or offer opportunities for strategic enhancements, larger contributions may be sought with justification. Delivery may occur via Section 106 agreements or Section 278 of the Highways Act 1980, depending on the nature and timing of the works, and must be coordinated with Medway Council to ensure alignment with wider infrastructure and accessibility goals.

Charge: £75 per dwelling

21 Waste and Recycling

21.1 Background

21.1.1 Every household generates waste, making access to reliable waste services essential. Waste management is one of the few public services that affects every resident, every day. To maintain high service standards and meet statutory obligations, it is crucial that new developments in Medway are seamlessly integrated into the existing waste management system from the outset.

21.1.2 As a unitary authority, Medway Council is responsible for both the collection and disposal of household waste. The core aim of Medway's waste services is to reduce waste generation, promote reuse and recycling, and manage waste in accordance with the waste hierarchy. These services are delivered through a comprehensive system that includes:

- Regular household waste collections from residential properties
- Household Waste Recycling Centres (HWRCs) for responsible disposal and recycling
- Bring banks for convenient recycling drop-off
- Street cleansing services to maintain clean public spaces and tackle litter and fly-tipping

21.1.3 In the 2024/25 financial year, Medway managed approximately 113,978 tonnes of waste. Of this, around 42,415 tonnes were sent for reuse, recycling, or composting—resulting in a recycling rate of 37.2%. These figures highlight the scale and complexity of Medway's waste operations, as well as the growing need for robust and adaptable infrastructure.

21.1.4 As Medway continues to grow, new developments place increasing pressure on waste services. Developer contributions, secured through Section 106 agreements, play a crucial role in ensuring that these developments are properly serviced. These contributions help maintain a waste management system that is resilient, efficient, and environmentally responsible, supporting both current and future communities.

Charge: £237.84 per dwelling

21.2 Policy/Evidence Base

[The Resources and Waste Strategy for England](#)

[Environmental Protection Act 1990](#)

[Waste \(England and Wales\) Regulations 2011](#)

[Landfill Directive 1999](#)

[Waste Minimisation Act 1998](#)

[The Environment Act 2021](#)

[The Extended Producer Responsibility \(EPR\) for packaging 2025](#)

[The Simpler Recycling Reforms](#)

[Waste and Emissions Trading Act 2003](#)

[Household Waste and Recycling Act 2003](#)

[Clean Neighbourhood's and Environment Act 2005](#)

[EU WEEE & Batteries Directive](#)

[Waste Needs Assessment - Local Authority Collected Waste](#)

[Waste Needs Assessment - Commercial and Industrial Waste](#)

[Waste Needs Assessment - Construction, Demolition and Excavation Waste](#)

[Waste Needs Assessment - Hazardous Waste](#)

[Waste Needs Assessment - Scoping Review of Other Waste Streams](#)

[Waste Needs Assessment - Review of Strategic Waste Flows](#)

[Waste Needs Assessment - Capacity Assessment Overview](#)

21.3 Additional Notes

21.3.1 Developers are invited to work alongside the council by making sure each new home is provided with adequate information relating to the council's waste provision. Printed information can be made available to developers or their agents for onward distribution to new residents.

21.3.2 Developers are required to reference and adhere to the guide ['Waste and recycling requirements for new residential developments in Medway'](#).

22 Youth facilities

22.1 Background

22.1.1 The full contribution will apply where no provision is made on site and a deficiency in youth provision, which includes sports and games, exists in the area. Pro-rata contributions will be requested where on-site provision is made.

Charge: £107.64 per dwelling

22.2 Policy/Evidence Base

[Section 507b of the Education Act](#)

23 Public Realm and Town Centre Enhancements

23.1 What is Covered?

- 23.1.1 Improvements to public realm areas situated within the core retail areas of Chatham, Gillingham, Strood, Rochester and Rainham centres as defined in the proposed Medway Local Plan.
- 23.1.2 The definition of public realm includes but is not limited to the streets, squares, river walks, car parks and public rights of way located within the above areas.
- 23.1.3 These areas will be improved via quality of design, construction and specification of the materials used, applied in a consistent and well-planned manner, to support the principle of sustainable development. They will also provide economic, social and environmental benefits. The perception, character and appearance of the centres will be improved, and long-term maintenance costs will be reduced, to the benefit of all.
- 23.1.4 To encourage new build residents/workers to use and enjoy their nearest town centre, support is needed to build community infrastructure and to activate community spaces. In addition, support is required to undertake feasibility work for future public realm and anything else to address the demands that the application places upon the town centres.

23.2 Where it Applies

- 23.2.1 The core retail and adjoining areas.
- 23.2.2 The centres are focal points for community and economic activities that benefit Medway residents. The attractiveness and maintenance of a high quality external built environment in town centres is crucial to ensure the continuing viability and vitality of these areas. This is emphasised in the National Planning Policy Framework NPPF <https://www.gov.uk/guidance/national-planning-policy-framework> (see paragraphs 20, 96 and 131, 135 and the planning practice guidance PPG, which is supplementary to the NPPF).
- 23.2.3 The pressures imposed by the business, employment, retail, leisure and cultural needs of increased population will best be met, in line with the National Planning Policy Framework, by revitalised and viable town centres. An upgraded public realm is crucial to ensuring town centres remain viable, attractive and functioning places at the heart of their expanded communities.

Charge: £369.81 per dwelling

Appendix 1: Summary Chart and Checklist for Applicants

Planning application process	Actions for applicants	Notes
1. Pre-application stage	<ul style="list-style-type: none"> Consult contributions guidance and download standard S106 legal agreement template and relevant standard legal clauses Refer to any other relevant policy document e.g. Local Plan/LDF/development brief Identify potential requirements Consult with Council's planning officer if necessary Commence "without prejudice" negotiations with planning officer if 'standard' contributions approach not accepted or applicable Information on pre-application advice service 	<ul style="list-style-type: none"> The Council is committed to supporting the pre-application process. Early research and discussions can save time and expense later in the planning process If clarification on any matter is required, this should be through the planning officer and not an individual service For larger schemes, the Head of the Development Management Service will appoint a planning officer(s) to facilitate discussion and negotiation, with the intention that this officer would be appointed as case officer to any future related planning application. There will be a charge for this
2. Submission of application	<ul style="list-style-type: none"> Provide contact details for legal representative if standard agreement not acceptable Set out findings from pre-application research and submit alongside planning application 	<ul style="list-style-type: none"> In straightforward cases it may not be necessary for a legal representative to be appointed
3. Technical	<ul style="list-style-type: none"> Seek to agree Heads of Terms for S106 agreements with the 	<ul style="list-style-type: none"> For cases where the Council's

Planning application process	Actions for applicants	Notes
appraisal of application	<p>Council's planning officer at as early a stage as possible</p> <ul style="list-style-type: none"> • Submit reasons if standard contributions not accepted, together with financial details of development costs where relevant • If agreement is not reached the case officer will refer the matter to the Council's Chief Planning Officer. If necessary, this matter can then be referred to the Assistant Director and then as necessary to the Council's Director of Place. • Complete full draft agreement as soon as possible (on a 'without prejudice' basis) 	<p>standard formulae are disputed on the basis that they would undermine the viability of the development, comprehensive evidence must be submitted to justify any departure from the normal process</p> <ul style="list-style-type: none"> • If there is a need to adjudicate between different service demands and this cannot be resolved by the case officer, the matter will be referred to the Chief Planning Officer. • Assessments are generally valid for six months from the date issued and should any circumstances change, a new assessment will be required. Assessments are a 'snapshot' of requirements at a given time, and variable factors may require regular reviews, particularly over the longer term
4. Determination of application	<ul style="list-style-type: none"> • The draft S106 legal agreement should be completed prior a delegated decision on the application being made, or a report being submitted to the Planning Committee • Full Heads of Terms will be included in all officer reports 	

Planning application process	Actions for applicants	Notes
5. Post determination	After a resolution to approve the planning application has been made, the S106 legal agreement should be signed and engrossed without delay. Medway Council reserves the right to refer all cases which have not been completed within six months of the decision back to committee with a recommendation for refusal, unless special circumstances have been clearly identified	The applicant and the Council should work to a target signing and engrossing the agreement/undertaking within one week of the decision
6. Post decision	<ul style="list-style-type: none"> It is the applicants' responsibility to comply with the terms of the S106 legal agreement in a timely manner, including respecting 'trigger points' which may occur some time after a development has commenced. The Council will continually review all 'live' agreements and monitor against progress on site It is the applicant's responsibility to complete the commencement notice and forms attached to the agreement, and post or email (to S106@medway.gov.uk) so that the council is made aware of when contributions become due. 	<ul style="list-style-type: none"> IDemand notices which include BACS details, will be raised by the S106 Officer.

Appendix 2: The Planning / S106 Process

Stage 1: Planning applications

- Planning application received and validated
- Consultation emails and letters (as appropriate) sent to 'neighbours', Parish Councils and statutory consultees including those services in the Medway Guide to Developer Contributions and Obligations. Site and Press notices raised
- Consultation letters request representations and contribution requests within 21 days
- Approval at Cabinet

Stage 2: Draft S106 agreement to permission

- Planning case officer negotiates S106 contributions requested by services/NHS with the developer and writes committee report, specifying agreed contributions/obligations for Planning Committee.
- If planning application is approved the owner/applicant does not receive planning permission until the S106 agreement is signed and engrossed.

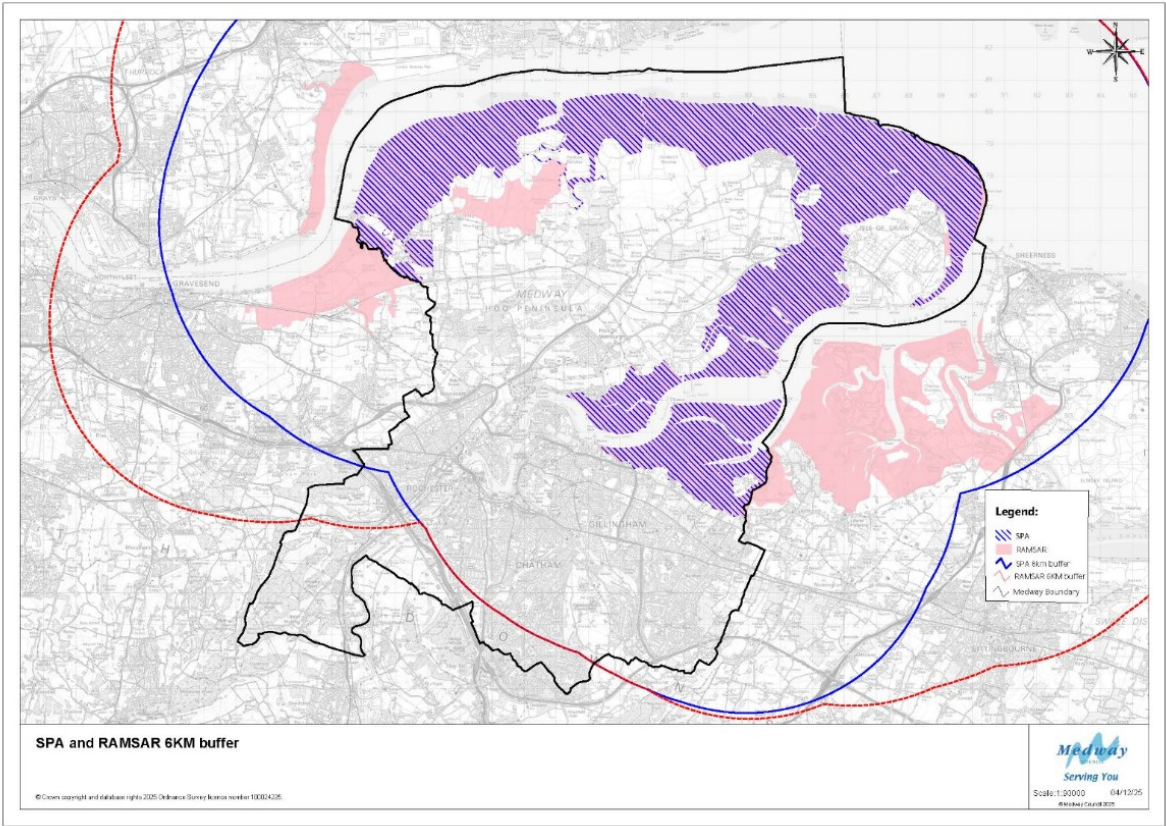
Stage 3: Pursuing contributions

- The S106 Officer is responsible for monitoring developments and pursuing contributions at the appropriate triggers for payment.
- Finance provides individual codes for each S106 and for every contribution included in them.
- The S106 Officer informs all services/NHS when contributions are received
- Contributions are ringfenced and can only be spent by the service/project in the agreement

Stage 4: Reporting

- The S106 Officer regularly produces a report for Planning Committee (published on line) which sets out all S106 receipts and information on all new agreements signed in that quarter.
- All S106 receipts and expenditure are required to be published annually on line in the Infrastructure Funding Statement. This information will be held by DLUHC for monitoring purposes.

Appendix 3: SPA and Ramsar 6 km buffers



References

ⁱ Medway Council (2024). One Medway Council Plan 2024-28. Available at [One Medway Council Plan 2024-28](#)