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Dear Mr McCormack and Mr Hendley,

Medway Local Plan 2041 – Phase 2 Hearings: Schedule of Matters, Issues and Questions and Initial Phase 2 Hearing Programme - Matter 13: Site Allocations SA1 – SA6

Introduction

This response has been prepared in response to Matter 13: Site Allocations SA1 – SA6.

Brookworth Homes has taken an active role in the formulation of the Medway Local Plan 2041 having participated at Regulation 18 and Regulation 19 Stage. They also participated in the Council's Draft Developer Contributions and Obligations Guide (February 2026)

Having been present at the Examination on day 1, we were pleased to hear Mr Cameron KC indicated on behalf of the Council indicate that *"in response to your earlier invitation, the Council intends to be pragmatic, the Council is not precious about its Plan. If you or others point out defects that go to soundness, the Council is happy to try and construct appropriate changes."*

Brookworth Homes' interest lies in Policy SA6: Land West of Strood as 'SR5: Land west of Stonehorse Lane' provisionally allocated for up to 120 dwellings. This land is held under option. Alongside sites SNF1 & SNF3 this makes up a total supply of up to 1,280 dwellings which forms part of the Plan.

In the preparation of this response, we have reviewed the Schedule of Matters, Issues and Questions Phase 2 Hearings published 1 October 2026. We note the addition of MLP/ED39 – a Technical Note – Viability Assessment Review of Southern Water's Request.

Policy SA6: Land West of Strood

13.59 How has the circa 1,280 capacity for this strategic allocation been derived (criterion 3.)?

The capacity is not recorded as circa 1,280 dwellings. It is referenced as *"up to".* Our Regulation 19 representations assert this is not consistent with national policy or positively prepared. The Council should alter 'up to' to 'around' or preferably 'a minimum of' to enable a given developer to demonstrate a higher number of dwellings can be delivered in an acceptable fashion without an arbitrary policy barrier preventing them as a matter of principle.

13.60 Is the location of this strategic allocation consistent with national policy as regards encouraging modes of transport other than the motor car?

Appeal Ref: APP/A2280/W/18/3214163 concerns No 178 and Land to the North of Brompton Farm Road, Strood, Rochester, ME2 3RE. This is now the S5 component of Policy SA6. It was determined on 13th June 2019. The appeal was dismissed on green belt grounds but recorded no criticism of the sustainability credentials of the site. The Inspector confirms:

"Paragraph 103 of the Framework states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering genuine choice of transport modes. To my mind therefore the appeal sites and subsequent planning permission granted by the Council at Cliffe Woods demonstrates that the accessibility of the site depends on its location with reference to existing and proposed services and facilities and availability of a choice of transport methods. The fact that future residents of the appeal site would have access to a wider range of services and public transport makes this site policy compliant but does not mean it attracts positive weight. Indeed, although this is agreed as an accessible location, the majority of the services and facilities are 15-20 minutes' walk away and the railway station 25 minutes15, both outside the distance which the IHT considers to be most conducive to walking16. Therefore, while to my mind the site is in an accessible location and in this respect, complies with the requirement in Policy BNE25 to offer a realistic chance of access by a range of transport modes, it is neutral in any balancing exercise." (Paragraph 82)

It was then and it is now.

13.62 What affordable housing requirement (criterion 3. c) is the policy setting for this strategic allocation?

Throughout our previous representations we have expressed concerns regarding viability of a 45 % (30 % + 15 % to satisfy golden rules) affordable housing contribution in conjunction with the extensive additional S.106 contributions sought by the Council.

As we previously set out, the Council's Local Plan Viability Assessment Update – June 2025 states:

"Whilst not a specific matter for this study and the soundness of a Local Plan, only the larger (over 200 units) sites are likely to be able to bear 45% (30% + 15%) or more affordable housing." (Paragraph 10.24)

Contrary to the above, regrettably this does go to the issue of soundness as the plan should be deliverable.

Criterion 18 of the policy confirms *"S106 – provision of financial contributions towards the provision of infrastructure, including additional primary and secondary school places in accordance with the latest IDP."*

The National Planning Policy Framework (2026) allows the submission of viability reports to accompany grey belt applications in limited instances as set out by Policy GB8(3)(b), which is particularly relevant because it concerns strategic sites.

The Brookworth Homes land plainly forms part of a strategic site but there is a degree of ambiguity as to whether a constituent part of a strategic site coming forward as a separate planning application constitutes a strategic site for the purposes of Policy GB8.3.B. This ambiguity jeopardises the deliverability of the Plan as in the event a scheme is not viable, a planning application will not be submitted and the site will not come forward.

The pragmatic response to this soundness concern is to remove the ambiguity by including a criterion within the allocation policy specifically confirming the Council will accept and consider viability evidence in support of a planning application despite the site's grey belt nature.

We note that similar wording already exists in Policy T3: Affordable Housing which states:

"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."

And

"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."

This could be readily amended to state 'notwithstanding the grey belt nature of the land, it is up to the applicant to demonstrate…'

It is not sufficient to leave this issue hanging and just say 'wait and see' if any necessary viability evidence is accepted at application stage as this necessitates a significant financial commitment from the applicant to pursue a planning permission which, if necessary viability evidence is not taken into account by the decision taker, could render any permission forthcoming unimplementable and in turn jeopardise the deliverability of the Plan.

This approach also mitigates the risk that the provisions of the National Planning Policy Framework alter if there is a change of Government or if the incumbent Government significantly alter their approach.

<u>What proportion of the costs for infrastructure requirements under Policy SA6 are to be met by way of section 106 agreement, as per Appendix F Strategic Sites of the Council's Response to the Inspectors' Initial Queries (MLP/ED6)?</u>

The Council's response in relation to SA5 in Appendix F found on electronic page 98 of the MLP/ED7 - Council's response to Inspectors' initial questions on Green Belt aptly highlights Brookworth Homes' cause for concern. The list of specific infrastructure to be funded through Section 106 contributions is extensive and this is to be delivered in addition to a high proportion of affordable housing. It states:

"Specific infrastructure required *Precise locations are subject to an agreed masterplan, however, this strategic location for growth will need to provide a two-form entry primary school, an eight-form entry secondary school and a primary and community health facility, along with a local centre commensurate with the scale of development. Developer contributions for off-site highway mitigations, bird disturbance mitigation, cultural services, library expansion, open space, indoor sport, waste, social care, primary care, community care, secondary care and education. Southern Water: Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure crosses parts of the site and may require easements or diversion*

Infrastructure funding route *Section 106"*

Conclusion

Brookworth Homes has identified defects with the Plan that go to soundness. It has provided a pragmatic solution that does not prejudice the delivery of affordable housing or fetter the consideration of a future planning application. What the change does achieve, is to ensure there is appropriate recourse in the event that development is not deliverable due to viability concerns which would enable growth envisaged by the Plan to come forward in a timely fashion.

Yours sincerely



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