

## **CABINET**

**30 OCTOBER 2012**

### **REVIEW OF THE GUIDE TO DEVELOPER CONTRIBUTIONS**

Portfolio Holder: Councillor Jane Chitty, Strategic Development and Economic Growth

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#### **Summary**

The Council's Guide to Developer Contributions, a Supplementary Planning Document (SPD), was adopted in April 2008, and sets out the level of developer contributions in Medway under Section 106 agreements.

On 17 April 2012 Cabinet agreed to a consultation exercise on a revised draft SPD proceeding. It is necessary to revise the document as much of the content of the current Guide is out of date. The overall level of contributions has not increased in the revised draft, and some sections have been deleted.

This report seeks Cabinet approval and adoption of the revised Guide as a Supplementary Planning Document, to supercede the current 2008 version.

#### **1. Budget and Policy Framework**

1.1 The Guide to Developer Contributions is a Supplementary Planning Document, which is consistent with the provisions of the Local Development Framework, therefore, this is a matter for Cabinet.

#### **2. Background**

2.1 In April 2008 the Guide to Developer Contributions was adopted as a Supplementary Planning Document (SPD). This guide sets out the levels of Section 106 contributions which a developer should provide when intending to build 10 dwellings or more.

2.2 The Guide was to be regularly updated to adjust contributions in line with inflation and to include reference to any new evidence base or legislation.

- 2.3 Since 2008 the economic climate has deteriorated and it was therefore decided not to increase the level of S106 contributions and to delay the review of the Guide.
- 2.4 During the four years since the Guide was adopted, much of the information in it has changed.
- 2.5 Some sections of the 2012 draft have been very significantly changed e.g. Affordable Housing, Waste and Recycling. Other sections have been updated based on the 2008 Guide with new contact details, and some sections have been deleted.
- 2.6 The draft Guide reflects current requirements, but does not increase the overall level of contributions sought. The draft guide takes account of the National Planning Policy Framework, which was issued by the Government in March 2012, and is attached at Appendix 1.
- 2.7 A consultation exercise was undertaken between 4 May – 1 June 2012. 5 stakeholders sent representations to be considered.

### **3. Options**

- 3.1 If the revised Guide to Developer Contributions is not adopted, developers will not have current information available to them, and will not understand today's requirements.

### **4. Advice and analysis**

- 4.1 Section 106 agreements will be scaled back from April 2014. The government's preferred mechanism to collect developer contributions will be via the Community Infrastructure Levy (CIL).
- 4.2 A decision was made by Cabinet in January 2012 that this authority will commence work to enable Medway Council to become a CIL (Community Infrastructure Levy) Charging Authority, by late 2013/early 2014.
- 4.3 The Guide to Developer Contributions will become obsolete from the date Medway Council becomes a CIL Charging Authority, or 31 March 2014, whichever is the sooner.
- 4.4 A screening assessment for a Diversity Impact Assessment has been completed and signed off by the Assistant Director, Housing, Development and Transport. The screening process has shown that a full assessment is not required (Appendix 3).

## 5. Risk management

Risk	Description	Action to avoid or mitigate risk
1. developers will not have the appropriate information available to negotiate contributions	to continue to use the current version	to adopt the revised Guide to Developer Contributions
2. planning officers do not have the appropriate information available to negotiate contributions	to continue to use the current version	to adopt the revised Guide to Developer Contributions

## 6. Consultation

- 6.1 Cabinet approved a consultation exercise on a revised Guide to Developer Contributions on 17 April 2012.
- 6.2 A consultation exercise was undertaken between 4 May –01 June 2012. Those consulted included elected members, developers, agents, Parish Councils, housing associations and Medway Council services.
- 6.2 Representations received were reviewed and the draft Guide updated, where appropriate, to address issues raised by consultees. A schedule of representations and responses is at Appendix 2.

## 7. Regeneration, Community and Culture Overview and Scrutiny Committee – 4 October 2012

- 7.1 The Assistant Director, Housing, Development and Transport introduced this report, stating that since its original introduction in 2008, there have been a number of changes which justifies a review of the Guide.
- 7.2 The average collected through S106 agreements amounted to £2m+ per year. Given the current market conditions, this figure could reduce.
- 7.3 The draft revised Guide had been subject to a consultation exercise and the views of consultees, including developers, have been considered. The section on affordable homes had been rewritten although it still seeks 25% affordable homes on any site meeting the Council's size thresholds. The Assistant Director also updated the Committee on the introduction of the forthcoming Community Infrastructure Levy (CIL) which would replace the existing S106 regime. This was likely to be introduced in either late 2013 or early 2014.
- 7.4 Members discussed a number of issues including the need to update the section on environmental mitigation. Members also asked whether the proposed charging levels had been benchmarked against other Local

Authorities in order to remain competitive. The reference to Metropolitan Park (Great Lines Heritage Park), affordable housing mix, internal space standards and corrected officer contact details for Adult Social Care were also discussed.

7.5 The Assistant Director responded that Medway was competitive in terms of house building compared to other Local Authorities in Kent, and this was demonstrated by the number of completions (808 for 2011/2012). The reference to the Metropolitan Park stemmed from a historical reference in the South East Plan but would be changed in the final version of the Guide. The affordable housing mix was based on the housing needs survey, space standards were based on government guidance and the officer contact details for Adult Social Care would be updated.

7.6 The Committee endorsed the Developer Contributions Guide and referred it to Cabinet for approval.

## **8. Director's comments**

8.1 It is necessary to revise the guide to ensure it is up to date. The revised guide reflects changes since 2008 and has been fully discussed with developers.

## **9. Financial and legal implications**

9.1 The draft Guide to Developer Contributions contains up to date information regarding contacts and evidence for the collection of contributions where appropriate.

9.2 Developer contributions will continue to be collected via Section 106 Agreements at slightly reduced levels from those in the original Guide adopted in April 2008, until Medway Council becomes a CIL Charging Authority, the impact of which has yet to be evaluated. This slight reduction is due to a small number of elements no longer being required.

9.3 If adopted the amended Guide to Developer Contributions will become a supplementary planning document prepared in conformity with 'saved' Medway Local Plan Policies. As an adopted supplementary planning document the Guide will carry considerable weight in the determination of future planning applications.

## **10. Recommendations**

10.1 That Cabinet adopts the revised Guide to Developer Contributions as a Supplementary Planning Document, to supercede the current 2008 version.

## **11. Suggested reason for decision**

11.1 The revised Guide to Developer Contributions will ensure that this process is up to date and reflects current requirements.

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**Background papers**

Guide to Developer Contributions, adopted April 2008  
<http://democracy.medway.gov.uk/mglIssueHistoryHome.aspx?IId=2359>



**DRAFT**

**GUIDE TO DEVELOPER CONTRIBUTIONS  
2012**





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## **Introduction**

This guide is designed to help you know what the Local Planning Authority is likely to require with new development in Medway.

The guide covers:

- Affordable housing
- Open space
- Environmental mitigation
- Children's services (schools)
- Community development
- Transport and travel
- Training and workforce development
- Adult services social care
- Health
- Waste and recycling

An example of what charges would apply to a 'typical' dwelling can be found on the following page.

## Level of contributions

Please note:

- developer contributions will be required for developments of 10 or more units
- some figures can only be estimates, e.g. for education these figures represent where accommodation will be provided by extending an existing school

contribution for	contribution covers	amount per dwelling £
Open space	Outdoor equipped play area	387.10
	Informal open space	276.82
	Formal sports provision	1,239.70
	Great Lines Heritage Park*	124.95
Education	Nursery	915.20
	Primary	2,246.40
	Secondary	2,272.40
	Sixth form	598.00
Transport and travel	Safer routes to school**	72.00
Training and workforce	For 3 bed house	200.00
Community development	Youth provision	58.43
	Community centre and neighbourhood facilities	136.71
	Libraries***	149.57
Adult services : adult care	For 3 bed house	450.00
Health		467.95
Waste and recycling		175.00
<b>TOTAL</b>		<b>£9,770.23</b>

\* for developments within 700 metres of the nearest boundary of the Great Lines Heritage Park the contribution increases to £249.90.

\*\*transport and travel contributions are not solely limited to the contribution per dwelling but would be determined on an individual basis

\*\*\* for existing library

This table does not take into account affordable housing, highway safety and environmental mitigation.

## 1. Background

- 1.1 Medway is expecting major growth development over the next few years, including regeneration projects such as Rochester Riverside, Gillingham Waterfront, Chatham Centre and Chattenden.
- 1.2 This Guide was first adopted and published in April 2008. It now requires updating and this 2012 draft version reflects changes since 2008.
- 1.3 The purpose of this guide is to set out Medway Council's policy relating to developer contributions. It is to assist developers, the Council's own staff and all stakeholders to:
- Ensure that there is clear information on the Council's policy for developer contributions
  - Follow current best practice in the field
  - Provide a streamlined, efficient service
  - Ensure consistency, transparency and accountability
  - Achieve greater speed in determining planning applications
  - Ensure the impact of developments are properly mitigated
- 1.4 This document is available on the website. Should a hard copy be required as internet access is not available to you, you can contact the Council's Section 106 Officer who will print a copy for you.
- Email [S106@medway.gov.uk](mailto:S106@medway.gov.uk), or  
Fax 01634 331195  
Phone 01634 331594  
write to Section 106 Officer  
Medway Council  
Development Management  
Gun Wharf  
Dock Road  
Chatham  
Kent ME4 4TR
- 1.5 The Guide provides comprehensive advice on how to determine contributions and includes technical details for most services for which contributions may be sought. The guide also includes a checklist, to be followed in order to enable faster decisions to be made.
- 1.6 Every effort has been made to make this guide as comprehensive as possible but it is not possible to anticipate the needs generated by all types of development. It is the responsibility of those submitting planning applications to contact planning staff at as early a stage as possible to determine whether the potential impacts of a proposed development go beyond the advice given here.
- 1.7 Developers are expected to take account of, and meet, the requirements of this document, before submitting planning applications to the council.**

## **2. Legal and Policy Context**

- 2.1 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.
- 2.2 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.
- 2.3 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.
- 2.4 The main principles governing the use of Obligations are that:
- 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).
- 2.5 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
- 2.6 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.

- 2.7 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.
- 2.8 Local planning authorities are encouraged to set out their policies and requirements through the Local Development Framework process but the Circular recognises that this will take some time to put fully in place. The key objective is to ensure that intending developers are aware in advance of what contributions might be sought from any particular development and this is a prime function of this guide.
- 2.9 The Council's own policy in respect of developer contributions is set out in "saved" Policy S.6 of the Medway Local Plan 2003. This states that:
- "The Council will set conditions on planning permissions or seek to enter into a legal agreement with developers to provide for new physical infrastructure, social, recreational and community facilities (including education facilities) and environmental mitigation or compensation measures where mitigation is impossible or inadequate on its own, where the need for these arises directly from the development concerned. Provision will be sought in proportion to the size and nature of the individual development, and will take into account the existing pattern of provision and capacity in the locality.*
- Provision will be made on the site where this can be reasonably achieved. When this is not the case, contributions will be sought for the provision of facilities and ecological features elsewhere, provided their location can adequately serve the development site or are appropriately related to it."*
- 2.10 This policy is the basis for the detailed requirements set out later in this guide. It will be replaced in due course by policy CS35 in the emerging Local Development Framework Core Strategy.  
<http://www.medway.gov.uk/environmentandplanning/developmentplan/localdevelopmentframework/corestrategy.aspx#corestrategydocs>
- 2.11 Community Infrastructure Levy (CIL)
- In April 2014 Section 106 agreements are to be scaled back and are likely to be used for site specific infrastructure (e.g. a school) and affordable housing only, although this is awaiting government (CLG) guidance.
- 2.12 Medway Council is committed to becoming a CIL Charging Authority prior to April 2014. The draft Charging Schedule will be subject to a consultation process and public examination. Information will be available on the website.
- 2.13 This SPD will be updated when Medway Council becomes a CIL Charging Authority.

### **3. The Medway Context**

- 3.1 As a major city scale urban conurbation within the Thames Gateway, Medway has to reconcile a need for widespread regeneration with its role within a national growth area. The Thames Gateway has in the past suffered from a range of structural problems and deficiencies but has underlying potential for considerable growth. Medway shares these key characteristics with the rest of the Thames Gateway.
- 3.2 Currently the area administered by Medway Council is looking forward to further high levels of development. Some areas of Medway have excellent facilities which serve the community well, and some areas are much less well provided for. S106 obligations should however only relate to the impact on the infrastructure, etc. caused by the development itself. Medway Council will not seek contributions to cover existing deficiencies. For example in many urban neighbourhoods there are acute shortages of open space and equipped playgrounds. Similarly there is pressure on library provision, social care facilities and more.
- 3.3 It is central to Government policy that new development should be sustainable which means that it should provide capacity and new facilities to meet the needs of new residents.
- 3.4 The Council and its service partners fully recognise and accept the limits of current policy towards developer contributions, but within these limits the Council and its stakeholders are determined to ensure that new development fully meets its costs to the wider community.
- 3.5 As a unitary authority Medway Council is responsible for the full range of local government services including education and social services

## **4. Procedural and Administrative Considerations**

- 4.1 Medway Council has put in place systems and arrangements to assist developers, speed the decision making process and ensure consistency, transparency and accountability.
- 4.2 The Section 106 Officer is first point of contact for all stakeholders and is responsible for all agreements after they have been completed.
- 4.3 *Standard Templates and Clauses*  
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 website <http://www.medway.gov.uk>. Please search for developer contributions.
- 4.4 *Contacting and Negotiating with the Council*  
Co-ordination and openness are critical to the successful negotiation and completion of agreements. Developers and their agents should:
- 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. Please visit the website for details <http://www.medway.gov.uk>. One to one negotiations 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 Corporate Services can always require legal involvement where necessary to protect the position of the council.
  - 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 S.106 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.



#### 4.5 *Basis of Guide*

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.

4.6 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.

#### 4.7 *Resolving Disputes*

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 Development Manager. If necessary the matter will then be referred to the Assistant Director Housing, Development and Transport, and if necessary to the Director (Regeneration, Community and Culture).

#### 4.8 *Administrative and Associated Costs*

The Council is committed to providing sufficient resources to achieve a high level of service and has imposed administrative costs on all agreements as follows:

- £300 per trigger event as set out in the S106 agreement
- The Council's reasonable legal costs, at a minimum of £500 per agreement
- In some cases the cost of the case officer's time negotiating the S106 matters.

## 5. General Approach

- 5.1 The Council has set thresholds below which it will not normally require contributions unless there are specific local impacts which cannot be dealt with by other means, for example planning conditions. These thresholds are set out in the table below:

Land use	Threshold
Housing	10 units or more
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 e.g. College	25 students or more
Hotel	25 rooms or more
Other land e.g. sports facility	50 users or more

- 5.2 The widest range of contributions will generally be sought on residential developments, but other large developments including large warehousing schemes and town centre retail schemes may have a range of impacts. The size thresholds are based on recent local development experience and the impacts they have caused.
- 5.3 Medway Council's standard S106 obligations are set out in the summary sheets for individual services attached. Quoted costs reflect standard indexing sources, such as the Department for Education for school places.
- 5.4 *Future Maintenance Costs and Commuted Sums for Maintenance*  
Generally where recreation or community facilities are provided, these should be retained by a management company, and not transferred to or adopted by Medway Council. Where recreation and community facilities are provided for adoption by the Council, it is important to take account of the long term management and maintenance implications. In these cases the following assumptions are used:
- The effective life of the facility will be 20 – 25 years, except for equipped playgrounds where the expectation is 15 years

- The commuted sum to cover annual maintenance costs will be 15 times the annual cost.

#### 5.5 *Revenue Support*

In some cases it is appropriate for a new development to provide revenue support to ensure necessary facilities are available at the outset, for example where limited on site parking provision is being made on the basis of increased use of bus services. For large developments, which may take a number of years to complete, revenue support may be required to ensure that sufficient services are available to meet the needs of residents at the outset and hence influence travel patterns.

- 5.6 The amount of financial support and the length of time which may be required will depend on local circumstances, and developer obligations will need to reflect this. Medway Council undertakes to spend contributions within 10 years following payment of the last contribution.

#### 5.7 *Non-adopted Facilities*

The Council often decides not to adopt new facilities which are solely for the use of occupiers of the development. The developer may not want facilities to be adopted by the Council because it wishes to apply its own maintenance standards. It is important that subsequent occupiers are aware of the arrangements in place.

- 5.8 The Council will require the relevant contract and performance details to be provided for approval to ensure that appropriate standards can in fact be maintained.

- 5.9 Social regeneration is as important as providing buildings and infrastructure. Medway Council therefore seeks financial contributions from developers towards enabling existing communities to share in the benefits of the regeneration programme through:

- access to skills, training and local employment
- access to stronger and better community facilities and services
- access to quality of life improvements

Further information on social regeneration can be found at [www.medway.gov.uk](http://www.medway.gov.uk)

## 6. Summary Chart and Checklist for Applicants

Planning application process	Actions for applicants	Notes
1. Pre-application stage	<ul style="list-style-type: none"> <li>• Consult contributions guidance</li> <li>• Refer to any other relevant policy document e.g. Local Plan/LDF/development brief</li> <li>• Identify potential requirements</li> <li>• Consult with Council's Development Management (DM) officer if necessary</li> <li>• Commence "without prejudice" negotiations with Development Management officer if 'standard' contributions approach not accepted or applicable</li> <li>• Download standard S106 legal agreement template and relevant standard legal clauses</li> </ul>	<ul style="list-style-type: none"> <li>• The Council is committed to supporting the pre-application process. Early research and discussions can save time and expense later in the planning process</li> <li>• If clarification on any matter is required this should be through the DM officer and not an individual service</li> <li>• For larger schemes the Development Manager 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.</li> </ul>
2. Submission of application	<ul style="list-style-type: none"> <li>• Provide contact details for legal representative if standard agreement not acceptable</li> <li>• Set out findings from pre-application research and submit alongside planning application</li> <li>• Provisional entry on contributions database made if need for agreement confirmed</li> </ul>	<ul style="list-style-type: none"> <li>• In straightforward cases it may not be necessary for a legal representative to be appointed</li> </ul>

Planning application process	Actions for applicants	Notes
3. Technical appraisal of application	<ul style="list-style-type: none"> <li>• Seek to agree Heads of Terms for S106 agreements with the Council's DM case officer at as early a stage as possible</li> <li>• Submit reasons if standard contributions not accepted, together with financial details of development costs where relevant</li> <li>• If agreement not reached the case officer will refer the matter to the Council's Development Manager. If necessary this matter can then be referred to the Assistant Director and then as necessary to the Council's Director</li> <li>• Complete full draft agreement ASAP (on a 'without prejudice' basis)</li> </ul>	<ul style="list-style-type: none"> <li>• For cases where the Council's 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</li> <li>• 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 Development Manager.</li> <li>• 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</li> </ul>
4. Determination of application	<ul style="list-style-type: none"> <li>• The draft S106 legal agreement should be completed prior to a delegated decision on the application being made, or a report being submitted to the Planning Committee</li> <li>• Full Heads of Terms will be included in all officer reports</li> </ul>	

Planning application process	Actions for applicants	Notes
5. Post determination	<ul style="list-style-type: none"> <li>• 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</li> </ul>	<ul style="list-style-type: none"> <li>• The applicant and the Council should work to a target signing and engrossing the agreement/undertaking within one week of the decision</li> </ul>
6. Post decision	<ul style="list-style-type: none"> <li>• 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</li> <li>• The Council will continually review all 'live' agreements and monitor against progress on site</li> <li>• It is the applicant's responsibility to write to the Development Manager informing him of expected date of commencement of works and confirmation of works commencing</li> </ul>	<ul style="list-style-type: none"> <li>• Invoices, which include BACS details, will be raised by the S106 Officer.</li> </ul>

## **7. Technical Guidance for Individual Service Areas**

More detail is provided in the following pages regarding individual contributions and how these are calculated.

This information is set out in the following individual sections

- A. Affordable Housing
- B. Open space
- C. Environmental mitigation
- D. Children's services: education
- E. Community development: including community centres, youth provision, culture and the arts, libraries
- F. Transport and travel : including highway improvements, public transport provision and infrastructure, car parking, cycling, pedestrian facilities and other transport initiatives.
- G. Training and workforce development
- H. Adult services social care
- I. Health
- J. Waste and recycling

## **7A. Affordable Housing**

### **1. Background**

- 1.1 *Medway Local Plan Policy H3: Affordable Housing* states that where a need has been identified, affordable housing will be sought as a proportion of residential developments of a substantial scale.
- 1.2 The 2009 *North Kent Strategic Housing Assessment (SHMA)* clearly identifies a need for additional affordable housing in Medway and the Council is committed to meeting this.
- 1.3 The aim of the Council's Affordable Housing Planning Policies and this guidance is to ensure the development of balanced and integrated communities and to deliver good quality affordable housing for local people in housing need for both present and future generations.

### **2. Definition of Affordable Housing**

- 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:

Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.



Homes that do not meet this definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes.

Medway Council does not recognise HomeBuy Direct or FirstBuy Direct as an intermediate housing product and will not accept such units as forming part of an affordable housing requirement under a s106 Agreement

### **3. When Affordable Housing Will Be Sought**

3.1 As set out in *Policy H3* of the *Medway Local Plan (2003)*, affordable housing will be required on residential developments of a substantial scale i.e.:

- developments of 15 or more dwellings or developments with a gross site area of 0.5 hectare or more in rural settlements with a population of 3,000 or less; or
- developments of 25 or more dwellings or developments with a gross site area of 1 hectare or more in urban areas.

3.2 The application of the policy is Medway-wide and reflects the need for affordable housing throughout the area as identified in the latest *North Kent Strategic Market Housing Assessment*.

3.3 It should be noted that the *Medway Affordable Housing Viability Study* found no reason based on viability why the threshold in urban areas should not be lowered to 15 units. It is anticipated that this threshold will come into effect with the adoption of Medway Council’s Core Strategy as part of the Local Development Framework.

3.4 S106 Agreements will require the affordable housing to be retained permanently. 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.

### **4. How Much Affordable Housing Will Be Sought**

4.1 The Council’s target is to seek at least 25% of homes to be affordable homes on any site meeting the Council’s size thresholds. However, supported by findings of the *North Kent Strategic Housing Market Assessment & Affordable Housing Viability Study*, it is anticipated that the Core Strategy will introduce a new target of 30% affordable housing for rural areas. For the avoidance of doubt this will include the Lodge Hill site.

- 4.2 The size thresholds and the percentage of affordable housing are supported by the 2009 *North Kent Strategic Housing Market Assessment*. Where the Council considers that intermediate tenures are appropriate on a site they will be included within the overall percentage of affordable housing.
- 4.3 The target will be the baseline for negotiations for affordable housing on suitable housing sites. Where a developer considers that this requirement significantly affects the viability of a scheme an “open book” approach based on the residual valuation methodology will be taken to establish the extent of this case.
- 4.4 In many cases, when calculating how many dwellings the percentage target represents on a site, the outcome will not be a whole number. Where the calculation results is a residual of 0.5 or more of a dwelling, the number of dwellings should be rounded up to the nearest whole dwelling and where it results in a residual of less than 0.5 of a dwelling it should be rounded down to the nearest whole dwelling.

## **5. Who Can Deliver Affordable Housing?**

### **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 Social Landlord or an unregistered body with HCA Investment Partner Accreditation.

- 5.2 An unregistered body could provide accommodation as long as they comply with the Homes & Communities Agency (HCA) and Tenants Services Authority’s (TSA) regulations for the provision and ongoing management of affordable housing. This requirement to comply will be stated in the s106 and nominations agreements to be signed by the unregistered body.

- 5.3 Where affordable housing is provided by a developer complying with the HCA and TSA’s regulations, the appointment of a partner Registered Provider to manage the affordable housing, in the majority of cases, is an effective way of controlling occupancy and affordability levels without the need for additional controls in s106 Agreements. Where there are additional costs incurred by the Council in developing, monitoring and reviewing these additional controls the costs will be passed on to the developer by the Council.

- 5.4 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.

## **6. Registered Providers & Investment Partners**

- 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 HCA Investment Partner status. In addition the organisation must be able to demonstrate that they can meet the eligibility criteria set out by the North Kent Housing Partnership.
- 6.2 Registered Providers are bodies registered with the TSA as a social landlord pursuant to the provisions of the Housing Act 1996 and a Housing Association within the meaning of the Housing Association Act 1985 or (where the provision of the Affordable Housing Units is being funded under section 27A of the Housing Act 1996 and retained by the non-registered body or company) any other body or company accredited by the Homes and Communities Agency under the Affordable Home Ownership Housing Management Accreditation Scheme.
- 6.3 Investment partners are those organisations that have successfully qualified for investment partner status by completing the HCA'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.
- 6.4 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.
- 6.5 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.

## **7. North Kent Housing Partnership Eligibility Criteria**

- 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 the Homes and Communities Agency (HCA) as a social landlord pursuant to the provisions of the Housing Act 1996 and a housing association within the meaning of the Housing Association Act 1985 with a full set of green lights from the Homes and Communities Agency or any other body or company approved by the Homes and Communities Agency 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 units to be delivered.
3. Be a member of Kent HomeChoice and agree that all lettings will go through the Kent choice-based lettings system.
4. 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.
5. 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.
6. Build all of the affordable housing schemes to meet or exceed the Housing Corporation's Design and Quality Standards (2007) or any subsequent standard specified by either the Homes and Communities Agency or the Council.
7. Achieve minimum Housing Quality Indicator (HQI) scores of 41 (size), 32 (layout) and 22 (noise, services, light) for each home to be built or any new scores that the HCA will introduce in future. In meeting the HQI minimum unit layout score, it is expected internal and external storage provisions at least meet the requirements for storage specified in the HQI guidance for the occupancy and do not fall short in any aspect.
8. Achieve level 3 (three star) of the Code for Sustainable Homes as a minimum for all new affordable units (or any other minimum level set from time to time by the HCA).
9. Assess all new homes against the 20 "Building for life" criteria and must achieve a minimum of:
  - 12 out of 20 positive responses (rural and street-fronted infill)
  - 14 out of 20 positive responses (all other developments)
10. Use Modern Methods of Construction for all new developments (where practicably possible).
11. 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 the HCA and the Council).
12. Comply with the standards set out in Fact Sheet No. 6 – Design Principles for Extra Care (CSIP, 2008) or any subsequent design standards that may be adopted by the Council where extra care units are to be delivered.
13. Agree to a Local Lettings Plan, which as a minimum, will comply with the Kent Housing Group's 'Sustainability Criteria'. Such a local lettings plan

to be agreed on all developments with 10 or more social or affordable rented units.

14. Deliver a range of unit types, tenures and sizes as identified by local need and suitable to the location.
15. Seek to build at least 50% of all affordable homes to the Joseph Rowntree Lifetime Homes Standard wherever possible (unless otherwise agreed by the Council).
16. Deliver a minimum 5% of all new affordable dwellings as wheelchair-user housing as set out within the Housing Corporations Design and Quality Standards (April 2007). Where it can be demonstrated to the council's satisfaction that a site cannot deliver wheelchair-user dwellings an exemption will need to be sought.
17. Ensure that their practices are compliant with the Housing Corporation's Good Practice Note 8: Equality and Diversity (November 2007). It is aimed at eliminating discrimination and promoting equality in their service delivery to the community through the people they employ.
18. Respond in a timely manner to requests by the Council for qualitative and quantitative information – including quarterly information on voids, re-lets, decent homes standards and rent levels.
19. Be willing to meet quarterly with officers of the Housing Development & Investment Team to discuss the organisation's development plan.
20. 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.
21. Ensure all sites delivering affordable housing clearly display signboards (displaying the local Council's logo), which illustrate the local authority's support and partnership working.
22. Provide information on customer satisfaction levels to the Council on a scheme-by-scheme basis.
23. 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.

## **8. Affordable Housing Tenure Mix**

- 8.1 The social rented stock in Medway at 14% is low relative to the national average of 19.3% 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.

- 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 Development & Investment Team on a site-by-site basis based on local needs.
- 8.3 Where the number of affordable units to be provided is greater than 10, a tenure mix of 60% affordable rent and 40% intermediate affordable housing (of which shared ownership is the preferred option) will be sought.
- 8.4 The Council maps the location of affordable housing by tenure and in the interests of creating sustainable communities reserves the right to seek different tenure mixes where this improves the mix of tenures locally.

## **9. Affordable Housing Size Mix**

- 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 :

- 40% 1-bedroom properties
- 30% 2-bedroom properties
- 20% 3-bedroom properties
- 5% 4-bedroom properties
- 5% 5-bedroom properties

The Housing Development & Investment 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 Development and Investment Team will expect the affordable element to be representative of the total size mix to be delivered on any given scheme.

- 9.2 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 Development & Investment Team, Development Management and the developer prior to the drafting of a s106 Agreement.

## **10. Design and Layout of Affordable Housing on s106 Sites**

- 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.

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.

10.3 Internal space standards should, as a minimum, comply with any current Homes and Communities Agency guidance. The following table gives indicative minimum space standards for selected dwelling types based on the current Housing Quality Indicators (HQIs) as set by the HCA.

1 bed flat (2 - bed spaces)	50 sqm
2 bed flat (3 - bed spaces)	67 sqm
2 bed house (4 - bed spaces)	75 sqm
3 bed house (5 - bed spaces / 2-storey)	85 sqm
4 bed house (6 - bed spaces / 2-storey)	100 sqm
5 bed house (7 - bed spaces / 2-storey)	115 sqm
6+ bed house	115 sqm + 10 sqm per bed space

10.4 These are minimum unit sizes that apply to affordable units that will be transferred to a registered provider. The Council has produced the Medway Housing Design Standards that cover all forms of residential development, including affordable housing. These reflect more recent thinking on internal space standards by the HCA and the London Plan. They expand on saved local plan policies and a policy in the Medway Core Strategy. 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.

10.5 Specific advice on individual sites should be sought at an early stage from the Housing Development & Investment Team.

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.

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.

## 11. Affordable Housing Plan for s106 Sites

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 Development & Investment 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.

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 labeled associated parking for the affordable units.
- Tenure of the affordable housing - normally 60% affordable rented and 40% intermediate - to be shown in different colors 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 colors.
- Which of the affordable homes are being delivered to the Lifetime Homes standard or as wheelchair-user units.
- Which of the affordable homes are specialist units (extra care, sheltered, learning disability etc) where applicable.
- Where units are delivered to different levels of the Code for Sustainable Homes these will need to be identified.
- Written evidence that the scheme has been assessed and meets the required design and quality standards.

## **12. Phasing**

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.

## **13. Sustainable Integrated Communities**

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.

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.

- 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 which will include appropriate triggers to link the occupation of open market units to the delivery of the affordable housing

#### **14. Building to Meet Housing Need**

- 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.
- 14.2 The most recent strategic housing market assessment was undertaken in 2009 in line with *Practice Guidance (2007)* published by Communities and Local Government.
- 14.3 The *Strategic Housing Market Assessment (2009)* identified exceptional local constraints which a significant number of local residents face. It compared local house prices and the incomes of those seeking new accommodation.
- 14.4 This showed that average house prices had increased rapidly and outstripped local income inflation between 2000 and 2007 and that access to owner-occupation was restricted. Since 2007 house prices have reduced considerably but demand has been constrained by wider market issues including low levels of mortgage lending.
- 14.5 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.
- 14.6 The Medway housing register indicates a significant requirement for properties that are fully wheelchair-adapted or suitable for clients with mobility problems. All new housing schemes must be compliant with Part M of the Building Regulations, and the Council will also require suitable affordable housing schemes to include 5% of homes that are fully adapted to wheelchair standards.
- 14.7 Further information on housing requirement can be found in the *North Kent Strategic Housing Market Assessment* which is available for download from the Council's website at:  
[http://www.medway.gov.uk/pdf/2010\\_04\\_26\\_north\\_kent\\_final.pdf](http://www.medway.gov.uk/pdf/2010_04_26_north_kent_final.pdf)

## **15. Affordability**

- 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.
- 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.

## **16. Funding for affordable housing**

- 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 residualised in order to ensure financial viability.

## **17. Site Viability and Abnormal Development Costs**

- 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.
- 17.2 Other planning related requirements such as education, community facilities, children's play areas etc. will likewise be treated as known costs.

## **18. The 'Planning Gain' Requirement**

- 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.
- 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 the land for the builder constructing the affordable housing.

- 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.
- 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.

## **19. Off-Site Provision**

- 19.1 The Council will generally expect affordable housing to be provided on the development site in order to create balanced communities. The Council will, in exceptional cases, take into account the size of the site and the type of development proposed and consider provision on an alternative site within Medway or a financial contribution towards such provision in lieu of on-site provision.
- 19.2 In the exceptional cases where off-site provision is acceptable, a developer will be expected to make the equivalent contribution of an agreed number, size and type of affordable dwellings on a different site (or sites) elsewhere in the area as agreed as part of the Planning Application.
- 19.3 Where it is agreed that it is not possible to provide an alternative site or buildings, the Council will seek a level of financial contribution that will actually result in the provision of affordable housing elsewhere in the relevant area. The sum involved must be adequate to ensure that affordable housing can be provided in that location within an agreed timescale..

## **20. Supported Housing**

- 20.1 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.
- 20.2 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 Development and Investment Team.

## **21. Equality Guidance**

- 21.1 Medway Council recommends that all affordable housing providers wishing to operate in Medway ensure that their practices are compliant with the [Housing Corporation Good Practice Note 8: Equality and Diversity \(November 2007\)](#). It is aimed at eliminating discrimination and promoting equality through the people affordable housing providers employ in the delivery of services to the community.
- 21.2 Affordable housing providers should observe and act upon the Equality for Human Rights Commission's code on housing and associated guidance.
- 21.3 The Council also encourages affordable housing providers to give due regard to guidance produced by Habinteg Equality Centre (2007), "*Housing Association Guide to Disability Equality Schemes and Action Plans*" in the delivery of their schemes.

## **22. Mortgagee-in-possession clauses**

- 22.1 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.

## **23. Pre-application Discussions**

- 23.1 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. Negotiations must be concluded before the Council decides on the planning applications or schemes will be recommended for refusal.

## **24. Registered Providers already operating In Medway**

- 24.1 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.
- 24.2 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 Development & Investment Team be contacted at the earliest opportunity.
- 24.3 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.

- 24.4 A list of Registered Providers currently operating in Medway can be obtained from the Housing Development and Investment Team.

## **25. Policy/evidence base**

Planning Policy Statement 3: Housing (June 2011)

Medway Local Plan (2003)

Medway Housing Design Standards

North Kent Strategic Market Assessment (2009)

[http://www.medway.gov.uk/pdf/2010\\_04\\_26\\_north\\_kent\\_final.pdf](http://www.medway.gov.uk/pdf/2010_04_26_north_kent_final.pdf) Housing

Corporation Good Practice Note 8: Equality and Diversity

[http://collections.europarchive.org/tna/20090508023222/http://www.housingcorp.gov.uk/upload/pdf/GPN\\_8\\_Equality\\_and\\_diversity\\_20071130140340.pdf](http://collections.europarchive.org/tna/20090508023222/http://www.housingcorp.gov.uk/upload/pdf/GPN_8_Equality_and_diversity_20071130140340.pdf)

Housing Association Guide to Disability Equality Schemes and Action Plans

[http://www.habintegdec.org.uk/data/files/publications/hagdes\\_final.pdf](http://www.habintegdec.org.uk/data/files/publications/hagdes_final.pdf)

## **26. Housing Development & Investment Team**

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## **7B. Open Space : off site provision of outdoor playing space**

### **1. What is covered?**

- 1.1 Equipped Play Facilities, Informal Open Play Space, Formal Open Space for Sport and Great Lines Heritage Park.

### **2. Where it applies?**

- 2.1 There is a significant deficit in both outdoor sports facilities and play areas throughout Medway (see Para 7.5.12 Medway Local Plan 2003)
- 2.2 The full contribution level will apply on developments of 10 dwellings and above, and where there is no, or unsuitable, on-site provision of outdoor playing space made in accordance with the National Playing Fields Association (N.P.F.A.) Standard. Where part or all of the outdoor play space is to be provided on site the contribution will be reduced on a pro rata basis.
- 2.3 The occupancy rate is an average of the three "Occupancy of Dwellings Ratio" figures shown in the Local Plan, Para 7.5.18 which reads:

"In calculating the formal open space requirement, the population of a site should be calculated by considering the type of dwellings proposed and the estimated number of inhabitants. The following population per dwelling ratio will be used for calculating the contribution of new development towards open space;

Occupancy of dwellings ratio	
1 bedroom dwelling	1.33 persons
2 bedroom dwelling	2.44 persons
3+ bedroom dwelling	3.59 persons"

- 2.4 In the case of sheltered housing and special needs housing for the elderly, formal open space and children's play/casual space will not be required.
- 2.5 Local Plan Policy L4 states that where the existing formal open space provision in the vicinity exceeds the National Playing Fields Association minimum requirement for outdoor play space, an informal open space element will be sought on site in lieu, applying the same standard.
- 2.6 The Countryside & Open Spaces Strategy identifies a shortfall of park facilities for Medway. The Great Lines Heritage Park will be an asset for the whole of Medway, and demands on its upkeep and maintenance increase proportionately with population. A standard tariff will apply to all developments of more than 10 units. For developments within 700 metres of the Great Lines Heritage Park this standard tariff will be doubled.

### 3. Requirement

- 3.1 Standard Charge: £828 per person, charged on the basis of the average occupancy rate of 2.45 persons per dwelling.
- 3.2 National Playing Fields Association Standard: 2.4ha per 1,000 of population, made up of:
- 1.7ha for outdoor formal sports provision with a minimum of 1.2ha for pitch sports
  - 0.7ha for children's play space, subdivided into
    - 0.2 ha of equipped play areas
    - 0.5ha of informal open space

### 4. Charging system

4.1 Outdoor Equipped Play Areas (0.2ha/1,000 people):	£158 per person
Informal Open Space (0.5ha/1,000 people):	£113 per person
Formal Sports Provision (1.7ha/1,000 people):	£506 per person
Great Lines Heritage Park and associated projects	<u>£ 51</u> per person*
	<b><u>£828</u></b> per person

\*contribution x 2 (£102) per person for developments within 700 metres of the nearest boundary of the Great Lines Heritage Park and associated projects.

### 5. Formulae

- 5.1 Calculation: No. of housing units x 2.45 occupancy x £828 = contribution

Example : 50 dwellings x 2.45 occupancy = 122.5 persons  
122.5 persons x £828 = £101,430 contribution, based on no on-site provision

### 6. Policy/evidence base

- 6.1 Medway Wildlife, Countryside and Open Space Strategy 2008 - 2016  
National Playing Fields Six-Acre Standard  
Medway Local Plan 2003 [www.medway.gov.uk/wwwlocalplan](http://www.medway.gov.uk/wwwlocalplan)  
Service Costs for Open Play Space Capital & Revenue (available from Greenspace Services)  
CABE : Paying for Parks 2006 [www.cabe.org.uk](http://www.cabe.org.uk)  
The Milton Keynes Tariff [www.miltonkeynespartnership.info](http://www.miltonkeynespartnership.info)

### 7. Additional notes

- 7.1 The provision of open space in Employment Areas will be negotiated on a case-by-case basis having regard to the likely scale of the workforce that will be employed within the development.

- 7.2 Greenspace Services will not usually accept the transfer of any land to Medway Council (play grounds, 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.
- 7.3 Greenspace Services will seek payment of S106 contributions at an early 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 1<sup>st</sup> 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.

## **8. Service contact**

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## **7C. Environmental Mitigation**

### **1. What is covered?**

- 1.1 Where possible on site management is required to offset biodiversity loss which cannot be adequately covered by planning conditions. Off site provision will be required if on site option is not practical or available.

### **2. Where it applies?**

- 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 habitats, and mitigation impact of noise, light pollution or increased disturbance.
- 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

### **3. Requirement**

- 3.1 See Medway Local Plan policies BNE 35-39 as below :

Policy BNE35 : international and national nature conservation sites

Policy BNE36: strategic and local nature conservation sites

Policy BNE37: wildlife habitats

Policy BNE38: wildlife corridors and stepping stones

Policy BNE39: protected species

- 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.
- 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. The off site costs associated with survey, translocation, species protection, habitat enhancement and site purchase, management and monitoring will be sought based on the circumstances in each
- 3.4 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.

3.5 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.

#### **4. Charging system**

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 a charge equal to 15 times the annual cost of management works will be payable based on an agreed management plan. Needs arising from each site will be charged where the Council is willing to take over responsibility for on-going management. This will be calculated on the basis of an endowment payment equivalent to 15 times an estimated annual maintenance cost for delivering an agreed ecological 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 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.

#### **5. Formulae**

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.

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.

5.3 Long-term management costs will be based on annualised costs set out in a site-specific management plan.

## **6. Policy/evidence base**

- 6.1 Planning Policy Statement 9: Biodiversity and Geological Conservation  
<http://www.communities.gov.uk/publications/planningandbuilding/planningbiodiversity>  
'Working with the Grain of Nature': A Biodiversity Strategy for England  
Kent BAP Steering Group (1997) Kent Biodiversity Action Plan: a framework  
for the future of Kent's wildlife. (See web site reference for more recent BAP  
data) <http://www.kentbap.org.uk/>  
Consultation Draft Countryside and Open Space Strategy 2007, Medway  
Council [http://www.medway.gov.uk/consultation\\_draft\\_coss.pdf](http://www.medway.gov.uk/consultation_draft_coss.pdf)

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## **7D. Children's services : schools**

### **1. What is covered?**

1.1 Primary, secondary, special schools, and early years provision.

### **2. Where it applies?**

2.1 All housing developments suitable for family occupation of 10 units and over. "Suitable for family occupation" includes all units of two or more bedrooms (flats or houses) not specifically reserved for non-family occupation.

2.2 Areas where there is, or it is predicted that there will be, a shortfall in site/school places to meet the demand from new housing. The calculation will take into account not only the proposed development but also other developments planned in the vicinity.

### **3. Requirement**

3.1 A contribution towards the cost of new school places to meet the demand arising from the proposed development.

3.2 An assessment will be made of each application to calculate the forecast demand for all schools in an area against existing capacity. This assessment takes account of all current planning permissions and allocated sites in the area.

3.3 The requirement includes provision for 3+ age pupils for whom foundation stage facilities are being provided within primary schools.

3.4 A proportion of the assessed demand will be utilised for pupils with special needs.

### **4. Charging system**

4.1 Nursery :  
£8,320 per pupil where accommodation will be provided by extending an existing school

4.2 Primary :  
£8,320 per pupil where accommodation will be provided by extending an existing school  
£11,700 per pupil where accommodation will be provided in a new school

4.3 Secondary (and sixth form) :  
£11,960 per pupil. It is assumed accommodation will be provided within existing schools (therefore no cost for new school places has been included).

- 4.4 All current costs quoted are 2006/7 based on projects undertaken in the past year + all items price index increase to April 2008 (4%). These are in line with national costs and data issued by the Department of Education and Skills.
- 4.5 The above costings do not take into account any land acquisition which maybe required.

## 5. Formulae

- 5.1 A survey was commissioned through MORI to look again at the pupils coming from newly built dwellings, but with the aim of achieving a broader sample - of flats v houses, dwellings size and type with sufficient samples.
- 5.2 The survey was carried out during the summer/autumn of 2005 to assess the numbers of pupils living in newly built housing, with a view to amending the existing Pupil Product Ratios (PPRs) dating from 1998.
- 5.3 Pupil Product Ratios (PPRs) following the MORI study 2005/6

	Flats (excluding 1 bed)	Houses (excluding 1 bed)
Nursery	0.03	0.11
Primary	0.09	0.27
Secondary	0.06	0.19
Sixth Form	0.02	0.05

- 5.4 For example : a housing development of 10 x 2 (or more) bedrooms would incur the following charge where accommodation will be provided by extending an existing school:

Nursery provision :

$$0.11 \times 10 = 1.1 \text{ (children)} \times \text{£}8,320 = \text{£}9,152$$

Primary provision :

$$0.27 \times 10 = 2.7 \text{ (children)} \times \text{£}8,320 = \text{£}22,464$$

Secondary provision :

$$0.19 \times 10 = 1.9 \times \text{£}11,960 = \text{£}22,724$$

Sixth form provision :

$$0.05 \times 10 = 0.5 \times \text{£}11,960 = \underline{\underline{\text{£}5,980}}$$

$$\text{TOTAL} \qquad \qquad \qquad \text{£}60,320$$

## 6. Policy/evidence base

- 6.1 School Organisation Plan (SOP)  
MORI study 2005/06  
Annual Forecast Rolls  
Annual return to DfES re: net capacity.

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## **7E. Community Development**

### **1. What is covered?**

- 1.1 Youth provision, neighbourhood community facilities, historic buildings, museums and libraries.

### **2. Where it applies?**

- 2.1 The full contribution will apply for all developments of 10 or more dwellings where no provision is made on site and a deficiency in youth, community, library and museum provision exists in the area. Pro-rata contributions will be requested where on-site provision is made.
- 2.2 Contributions for youth, community, library and museum will be spent either on the creation of new provision or upgrade to existing facilities in order to better serve the development.
- 2.3 This contribution will be required on all residential and town centre developments

### **3. Requirement**

- 3.1 The provision of youth facilities within new or existing facilities including provision for sport and games development.
- 3.2 The provision of neighbourhood facilities to the local community to meet service deficiencies exacerbated by the new developments. This will include community buildings to meet a wide range of needs across all sections of the community
- 3.3 Provision of museum and library accommodation in accordance with national standards:
- |          |                                   |
|----------|-----------------------------------|
| Museum:  | 28 sq. metres per 1000 population |
| Library: | 30 sq. metres per 1000 population |

### **4. Charging system**

- 4.1 Youth provision:  
£23.85 per person based on 13 -19 year olds making up 16.88% of the population and construction cost of £2000 per sq. metre.
- 4.2 Community centres and neighbourhood facilities:  
Population calculation of the development based on standard 2.45 persons per unit
- £55.80 per person based on provision of 31 sq. metres of space per 1,000 population and construction cost of £1,800 per sq. metre.

#### 4.3 Libraries:

Population calculation of the development based on standard 2.45 persons per unit

£111.81 per person for build and fit out new library based on provision of 30 sq. metres per 1000 population at cost of £3,727 per sq. metre

or

£61.05 per person for investment in existing provision based on library fit out cost of £2,035 per sq. metre

4.4 Combining these contributions the maximum charge per person from any development is £191.46.

### 5. Formulae

5.1 Calculation: Number of units x 2.45 persons per unit x £191.46 = contribution

5.2 Example: 10 units x 2.45 persons = 24.5 persons  
24.5 persons x £191.46 = £4,690.77

### 6. Policy/evidence base

#### 6.1 Resourcing Excellent Youth Facilities

Public Libraries, Archives and New Development A Standard Charge Approach

[http://www.mla.gov.uk/what/support/guidance/~media/Files/pdf/2010/programmes/Public libraries archives and new development a standard charge approach.ashx](http://www.mla.gov.uk/what/support/guidance/~media/Files/pdf/2010/programmes/Public%20libraries%20archives%20and%20new%20development%20a%20standard%20charge%20approach.ashx)

Arts, museums and new development A standard charge approach

[http://www.mla.gov.uk/what/support/guidance/~media/Files/pdf/2010/programmes/Arts museums and new development a standard charge approach.ashx](http://www.mla.gov.uk/what/support/guidance/~media/Files/pdf/2010/programmes/Arts%20museums%20and%20new%20development%20a%20standard%20charge%20approach.ashx)

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## **7F. Transport and Travel**

### **1. What is covered?**

1.1 The majority of new development results in the need for travel and these movements place additional demands on local and regional transport infrastructure and can have a negative impact on local air quality. It is therefore reasonable for developers to make a contribution to cover the movement needs generated by their development.

1.2 Obligations can cover a broad range of transport initiatives, including:

- highway improvements, including increasing highway capacity and changes to layout
- public transport improvements including new bus services, railway stations, Park & Ride solutions, improving existing bus services, improvements to bus infrastructure, expansion of real-time information and bus network reliability measures
- public car parking provision
- cycling facilities, such as new cycle tracks, road crossing facilities and secure cycle parking
- road safety schemes, including measures to reduce existing and potential accident problems
- pedestrian facilities, such as new pedestrian routes, road crossings and accessibility improvements
- traffic calming measures, to reduce traffic speed or to reduce the volume of traffic flows
- travel plans, including plans covering residential, education and workplace land uses
- other initiatives to encourage use of public transport, walking, cycling, sustainable transport systems including information packs to new residents and car clubs

1.3 The applicability of each element of the movement obligations will normally be grouped under the following categories:

1. Removing barriers to active travel
2. Safer routes to school initiatives
3. Highway capacity
4. Highway safety improvements
5. Traffic calming works
6. Travel plans

Further details are provided in Table 3.

1.4 The table T1 details the applicability of the various obligations for the scale of development.

Table T1 - Transport obligation applicability		
Obligation	Medium size developments	Large developments
1. Removing Barriers to Active Travel	Applicable to all development. <i>See table T2 for thresholds.</i>	Applicable to all development <i>See table T2 for thresholds</i>
2. Safer routes to school initiatives	Applicable to residential units of two or more bedrooms (flats or houses) not specifically reserved for non-family occupation. <i>See table T2 for threshold.</i>	Applicable to residential units of two or more bedrooms (flats or houses) not specifically reserved for non-family occupation. <i>See table T2 for threshold.</i>
3. Highway capacity	Not applicable.	Applicable where a Transport Assessment (TA) identifies highway capacity issues. <i>See table T2 for threshold.</i>
4. Highway safety	Where a Road Safety Audit or Road Safety Assessment (RSA) identifies road safety concerns. <i>See Appendix 2, table A2b for threshold for a SA.</i>	Where a Road Safety Audit or Road Safety Assessment (RSA) identifies road safety concerns. <i>See Appendix 2, table A2b for threshold for a SA.</i>
5. Traffic calming	Where a Safety Audit identifies issues that can be resolved by traffic calming. <i>See Appendix 2, table A2b for threshold for a SA.</i>	Applicable where a TA identifies rat-running or where a Safety Audit identifies issues that can be resolved by traffic calming. <i>See table T2 for threshold for TA. See Appendix 2, table A2b for threshold for a SA.</i>
6. Travel plans	Not applicable.	Applicable where there is a planning requirement for a travel plan. <i>See table T2 for threshold for a travel plan.</i>

- 1.5 The table T2 details the thresholds for developer contributions for the various land uses listed; specific guidance will be provided for land uses not listed. Where mixed-use developments are proposed, the triggers will be revised to take account of the cumulative scale of the development. For the highway capacity category, the threshold is also the point where a Transport Statement or a detailed multi-modal Transport Assessment is required; the results of this work may trigger the need for a contribution under highway capacity, highway safety and traffic calming categories. For more information refer to Guidance on Transport Assessment published by the DfT.
- 1.6 Contributions associated with removing barriers to Active Travel will be reduced 'in principle' where other interventions are delivered by the development which contribute to these obligations.

Table T2 - Thresholds for triggering developer contributions								
Use class	Land use	Unit	Removing Barriers to Active	Safer routes to school	Highway capacity	Highway safety	Cumulative impact	Travel plan
	<b>Residential</b>		<b>Thresholds</b>					
C3	Residential – housing	HH	10	10	10	10	10	50
C3	Residential – flats	HH	10	10	10	10	10	50
	<b>Non-residential</b>							
A1	Food retail	GFA	250	-	250	250	250	800
A1	Non-food retail	GFA	800		800	800	800	1,500
B1	Business	GFA	1,500	-	1,500	1,500	1,500	2,500
B2	General industrial	GFA	2,500	-	2,500	2,500	2,500	4,000
B8	Storage and distribution	GFA	3,000	-	3,000	3,000	3,000	5,000
D1	Medical & health services	GFA	500	-	500	500	500	1,000
<b>Key to abbreviations:</b>								
HH Household GFA Gross Floor Area measured in m <sup>2</sup>								

## 2 Requirement

2.1 The requirement for various obligations associated with movement will be robustly tested by the developer and assessed by the council, using various objective methods, including:

- **Accessibility Assessment:** this will determine how accessible a site is to key services such as health, schools, employment and major retail centres by non-car transport modes. Where necessary, the assessment will propose interventions to improve accessibility to these services. The threshold in table T2 shall be taken as the point where an Accessibility Assessment is required.
- **Multi-modal Transport Assessment:** this will assess the impact of a development on the local (and in appropriate circumstances regional) strategic transport network taking into account other committed development, and where necessary identify interventions to mitigate any detrimental impacts.

- Safety Audit: a Stage 1 Road Safety Audit will be undertaken when any of the thresholds in Table A2b (Appendix 2) are met.

2.2 Developer contributions will be required for a broad range of movement interventions. Table T3 details the measures for which developer contributions will be used, listed under the key movement obligation headings. These interventions link closely to the objectives and action plans in the statutory Medway Local Transport Plan.

<b>Table T3 – Movement interventions for which developer contribution will be sought</b>		
	<b>Obligation</b>	<b>Intervention</b>
1	Removing Barriers to Active Travel	Local: Interventions located in close proximity to the development site to aid local movement and remove barriers. Contribution to new road crossings, puffin crossings, real-time information, better bus services and boarders at bus stops, pedestrian surfacing improvements, removal of street clutter and cycle route connections. Strategic: Initiatives covering a larger geographical area to reduce social exclusion. Contributions to better bus and rail services (including area wide infrastructure improvements, increased bus services to improve accessibility, and improvements to environmental and operational conditions); strategic cycle and pedestrian route improvements, and accessibility improvements to the key destinations served by the development. This also includes urban traffic management control system (UTMC), sustainable transport projects that reduce the need for car travel, improve opportunities for active travel and in turn have a positive impact on air quality.
2	Safer routes to school initiatives	Initiatives that reduce the impact of the school run on highway network capacity, generated from new residential developments that are likely to accommodate families with school age children. These developments will be expected to financially contribute towards the operation of local school travel plans, which shall include education and promotion initiatives in schools together with route improvements.
3	Highway capacity improvement	Developments that generate traffic movements that result in the operation of the highway network exceeding capacity or significantly exacerbating existing capacity problems will be required to fund off-site highway capacity improvements and/or UTMC schemes to ensure the operation and accessibility of the highway network is not compromised by movements arising from development.
4	Highway safety	Developments that generate traffic movements that result in additional hazards to highway safety will be required to fund off-site road safety improvements.
5	Traffic calming works	Developments that generate traffic movements that result in additional hazards to highway safety or are likely to result in rat-running causing harm to residential amenity may be required to fund off-site traffic calming improvements. The objective of these works will be to reduce vehicle speed and traffic flows.

**Table T3 –  
Movement interventions for which developer contribution will be sought**

6	Travel plans	There will be an obligation on the developer to produce, implement and maintain a travel plan for developments over a certain size. These plans may be applicable for workplace, residential and educational developments. Where travel plans are required, there is an obligation to fund the council's involvement in the monitoring and coordination of the plan during its early years of operation to ensure the intervention is achieving its stated targets.
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2.3 Table T4 details the charging multipliers that shall apply where applicable for residential development. Justification for the multipliers is given in tables A1a, b, c & d. Safer routes to schools charge may not be levied where local schools already have a strong Safer Routes to School interventions in place.

**Table T4 – Charging multipliers for residential development**

	Medium developments (10 – 25 unit)	Large developments (Over 25 units)	Notes relating to large developments
<b>Obligation</b>	<b>Unit value</b>	<b>Unit value</b>	
Removing Barriers to Active Travel	Individual assessment	Individual assessment <sup>(1)</sup> <sup>(2)</sup>	Local accessibility improvements delivered by the development can reduce the total contribution.
Safer routes to school	Nil	£72 per residential unit with 2 or more bedrooms	Excludes flats. Applies to developments of 50 units or more.
Highway capacity	Nil	Individual assessment	Applies to developments of 50 units or over
Highway safety	Individual assessment	Individual assessment	Applies to developments of 50 units or over
Traffic calming	Nil	Individual assessment	Applies to developments of 50 units or over
Travel plan	Nil	£4,000 per development	Up to a maximum of 250 units; unit value may be increased for developments above this threshold.

Notes:

1. In AQAA (Air Quality Action Areas) the contribution will need to take into account the provision of sustainable transport projects to deliver improved air quality by reducing the need to travel by car and removing barriers to active travel.
2. Contributions associated with removing barriers to Active Travel will be reduced 'in principle' where other interventions are delivered by the development which contribute to these obligations.

2.4 Table T5 details the charging multipliers that shall apply where applicable for non-residential development. Justification for the multiplier is given in table A1d.

<b>Table T5 – Charging multipliers for non-residential development</b>			
	Medium developments	Large developments	Notes relating to large developments
<b>Obligation</b>	<b>Unit value</b>	<b>Unit value</b>	
Removing Barriers to Active Travel	Nil	Individual assessment <sup>(1)</sup>	Accessibility Assessment required
Safer routes to school	Nil	Nil	
Highway capacity	Nil	Individual assessment	Highway capacity improvements may be identified by a Transport Assessment for the site
Highway safety	Individual assessment	Individual assessment	Highway safety improvements may be identified by a Transport Assessment for the site
Traffic calming	Nil	Individual assessment	
Travel plan	Nil	£4,000 per development	Applicable to each phase of development.

Notes:

- 1: In AQAA (Air Quality Action Areas) contributions may be sought towards local sustainable transport projects, which reduce the need to travel by car and remove barriers to active travel therefore delivering an improved air quality environment.

## Transport and Travel Appendices

### Appendix 1: Formulae for charging multipliers

1.1 The Tables A1a & b set out the justification for the charging multipliers. The various base charges are periodically reviewed; details of the charges in operation at the time of publication are shown in the tables.

<b>Table A1a – Justification for safer routes to school charging multiplier</b>			
<i>The charging multiplier for safer routes to school multiplies the average number of students per school with the estimated number of school age children per dwelling (excluding flats) to obtain a project sharing factor per unit. The approximate cost of implementing a safer routes to school project is then divided by the project sharing factor.</i>	£m's	Units	Charging multiplier
Approximate cost of implementing a safer routes to school project (a)	£0.04m		
Estimated number of school age children/dwelling (excluding flats) (b)		0.72	
Average number of students per school (c)		400	
Safer routes to school charging multiplier (Formula = $a \times b / c$ ) (Equals cost of works per school multiplied by the average number of school aged children per dwelling then divided by average number of students per school)			<b>£72 per residential unit with 2 or more bedrooms</b>

<b>Table A1b – Justification for Travel plan charging multiplier</b>		
<i>The charge for travel plans relates to the cost incurred by the council in monitoring and coordinating travel plans to ensure the delivery of the plan by the developer is on trajectory to achieve agreed targets</i>		Charging multiplier
Estimated staff charge out rate per hour (a)	£50	
Estimated time involved in monitoring and coordinating plan (b)	80 hours	
Travel plan charging multiplier (Equals staff charge out rate multiplied by estimated time involved in monitoring and coordinating plan) (Formula = a x b)		£4,000 per development (see note)
<p>Note:  Residential: Applicable for development up to a maximum of 250 units; each additional unit over 250 will incur a charge of £16.  Non-residential: Per phase of development</p>		

## **2. Policy / evidence base**

- 2.1 Medway Local Plan 2003 (Medway Council)  
Medway LDF Submission Draft Core Strategy (January 2012)  
Medway Accessibility Strategy 2006 (Medway Council)  
Medway Housing and Mixed Use – Development Plan Submission Document (Medway Council)  
Transport Advice Notes (DfT)



## Appendix 2: Minimum criteria

- 1.1 Residential developments will be assessed as having poor accessibility if the minimum criteria set out in table A2a are not fully met.

<b>Table A2a – Minimum accessibility criteria for residential development</b>					
Local Services	Maximum travelling time on public transport	Maximum walk distance to public transport	Minimum service frequency (minutes)	Days of the week service available	Period service is available
GP and Hospital	30 minutes	400m	60	Monday to Friday	08.30 - 20.00hrs
Major retail centre <sup>(1)</sup>	30 minutes	400m	60	Monday to Saturday	10.00 -17.00hrs
Primary and secondary school	30 minutes	400m	30	Monday to Friday	08.00 - 09.00hrs and 15.30 - 16.30 hrs
Major employment area <sup>(1)</sup>	30 minutes	400m	30	Monday to Friday	07.00 - 09.00hrs and 16.30 - 18.30hrs
<p>Notes:</p> <p>1. 'Major retail centre' and 'Major employment area' are defined in the "Local Development Framework Core Output Indicators Update 1/2005"</p>					

### Safety Audit

- 1.2 A Stage 1 Safety Audit will be undertaken when any of the thresholds in Table A2b are met.

<b>Table A2b – Stage 1 Safety Audit requirements</b>
<ul style="list-style-type: none"> <li>a) vehicular access to parking for in excess of 50 residential units is formed directly from an existing public highway;</li> <li>b) the scale of a proposed development is considered significant enough to warrant the production of a Transport Assessment;</li> <li>c) the proposal creates a new vehicular access or intensifies an existing vehicular access onto a distributor road;</li> <li>d) the proposal is in a location of high risk, for example, where there is a history of road traffic accidents; or</li> <li>e) in excess of 5 residential units are proposed to be accessed from a new vehicular access that is potentially adoptable by Medway Council as Highway Authority.</li> </ul>

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## **7G.Training and workforce development**

### **1. What is covered?**

- 1.1 'Developer driven' engagement of Local Labour;
- 1.2 A levy to assist workforce development (skills training) opportunities

### **2. Where it applies**

- 2.1 The Council strives to improve local labour employment opportunities for Medway residents working in construction. The upskilling of local people is essential to improve GVA per capita in Medway and close the skills gap on the south-east. The council is keen to work with developers who share this view to help local people with skills and employment opportunities for the long term benefit of their own industry.
- 2.2 The Medway Economic Development Strategy 2009-12 has a specific Strategic Priority 1 for Skills Development (p.2). There are clear aspirations to:
  - *"Upskill the workforce to improve the quality of jobs and meet employers' skills needs"*
  - *"Link skills development with proposed physical developments and related short and longer term job opportunities"*

### **3. Local Labour employment opportunities – what is required**

- 3.1 The council wants to secure employment opportunities for local people<sup>1</sup> on Medway development sites. The minimum requirement of local labour employment has been indicated at 20% but the council would expect very best efforts by developers to achieve a minimum 40% local labour employment rate.
- 3.2 It is also expected that new apprenticeships will be created in addition to the above levels of local labour employment – a reasonable level of at least 1 new apprenticeship per £1million of new build spend is considered reasonable. Developers and their sub-contractors are expected to make concerted efforts to work with the council's Employ Medway service to achieve apprentice placement opportunities.
- 3.3 Our reasonable expectations are as follows:
  - The developer, main contractor and sub-contractors will make every reasonable effort to engage with the council's Employ Medway service to plan a site employment programme by providing a clear indication of start on-site dates, initial site meetings, and ongoing telephone and email correspondence.

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<sup>1</sup> Local people are defined as Medway residents

- The developer, main contractor and sub-contractors will consistently endeavour to work with Employ Medway to assist the uptake of local labour by advertising / notifying local labour opportunities via appropriate media channels.
- The developer will make every effort to keep a quarterly record of its local labour workforce for monitoring purposes to be shared with Employ Medway.
- On sites in excess of 250 residential units, the developer agrees to second a member of staff to act in an employment liaison role to administrate the uptake of local labour and to manage workforce training and development opportunities in conjunction with Employ Medway.
- The developer agrees to participate in a Meet the Buyer event/s organised in conjunction with Employ Medway, and to ensure its main contractor and sub-contractors also take part. The aim of these events is for the developer to convey site development requirements and timescales to an audience of local suppliers that should be encouraged where possible by the developer and its main contractor to supply the development. The event will also allow a platform for the council's delivery partner to present its workforce and employment development service to event attendees.

### **3 Training and workforce development - what is covered?**

3.1 A developer's financial contribution will enable a practical application of construction training in Medway for existing and pre-entrant trainees. It will help to address local employment take-up and associated skills training support in the construction industry, covering:

- Upskilling and qualifying of existing workforce
- Apprenticeships
- Foundation degree placements or other undergraduate placements
- Pre-entrant opportunities
- Work experience placements
- Schools visits
- On-site visits
- Teacher placements
- Development of curriculum materials for schools in partnership with representatives of local schools. (This would apply to a wide range of Medway students, including those schools working towards new construction diplomas for 14-16 year olds)
- Construction Expo event in Medway to be held every other year

### 3.1 Where it applies?

- The calculation / formula used will take into account the proposed development and other developments planned in Medway.
- The calculation will be based upon the site training requirements as a **best fit for the agreed contribution**.
- It will be applicable on all residential developments of 10 units or more, and on all commercial developments.

### 3.2 Requirement

- Developers will be required to provide developer/contractor representatives to advocate workforce development and training, to act as a point of liaison for site based training and learning and to devise a training profile in conjunction with an approved Constructions Skills project.

## 4 Charging system

- Houses/Residential units:  
£150 per house or flat (up to 2 bedrooms)  
£200 per house or flat (up to 3 bedrooms)  
£250 per house (4 bedrooms +)
- Commercial development  
£1 per m<sup>2</sup> of development
- The level of developer contribution is based on the Construction Skills *National Skills Academy* model.

## 5 Formulae

- 5.1 These are considered to be nominal charges based upon projected completion rates and Employ Medway administration costs, and a justifiable measure to facilitate a reasonable level of training support.

## 6 Policy/evidence base

- 6.1 Medway Economic Development Strategy 2009-12  
[http://www.medway.gov.uk/pdf/medway\\_economic\\_strategy\\_260809\\_final\\_.pdf](http://www.medway.gov.uk/pdf/medway_economic_strategy_260809_final_.pdf)  
ConstructionSkills Strategic Plan 2011-2015  
<http://www.cskills.org/aboutus/ourgovernance/pubs.aspx>

## 7 Service contact

Richard Dawson  
Employ Medway (a council service)  
01634 338156  
[richard.dawson@medway.gov.uk](mailto:richard.dawson@medway.gov.uk)

## **7H. Adult Services Social Care**

### **1. What is covered?**

- 1.1 Social care covers a wide range of services provided to the most vulnerable people in the community. It includes care management team, service providers who support older people, adults with physical disabilities, adults with learning disabilities, adults with mental ill health and their carers.

### **2. Where it applies?**

- 2.1 All developments of 10 or more dwellings.

### **3. Requirement**

- 3.1 A contribution towards purpose built facilities to meet the needs of an ageing population that includes people with very complex needs. Over the next 3 years the council has a programme for constructing Changing Place Toilets in the 5 main towns and the Hoo peninsula.
- 3.2 Changing Place Toilets are disabled toilets that include an adjustable bed for changing facilities and tracked ceiling hoists. Changing Place Toilets means that Medway is a more accessible place for people with complex needs because they do not have to plan their journeys around their toileting needs.

### **4. Contributions sought**

- |     |                 |      |
|-----|-----------------|------|
| 4.1 | 1 bed dwelling  | £404 |
|     | 2 bed dwelling  | £484 |
|     | 3 bed dwelling  | £450 |
|     | 4+ bed dwelling | £540 |

### **5. Calculation**

Age range	Medway population 2010 (A)	No of people receiving social care support (B)	Service users per person (A/B)
18 – 64	217,000	3,514	0.016
65+	37,000	6,012	0.161

### Development snapshot of household composition in River Wards 2001 (census)

1. No of dwellings = 2,911
2. No of people aged 18 – 64 = 4,877 = average 1.675 people per dwelling aged 18 - 64
3. No of people aged 65+ = 587 = average 0.202 people per dwelling aged 65+

Age range	Cost of changing place toilet (CPT)	Cost per person (cost of CPT x no of service users)	Contribution per dwelling (cost per person * average no of people per dwelling)
18 – 64	£20,000	£20,000 x 0.016 = £320	£320 x 1.675 = £536
65+	£20,000	£20,000 x 0.161 = £3,220	£3,220 x 0.202 = £650.44

Average contribution per dwelling = £536.00 +  
£650.44  
£1,186.44 divided by 2 = £593.22

This evidence/calculation significantly increases the contributions sought in the original Guide to Developer Contributions. Medway Council policy is not to increase contributions at this time and therefore contributions will be sought at the same level as previously, as set out under clause 4.

## **6. Policy/evidence base**

- 6.1 Putting People First Concordant, December 2007  
White Paper 'Our Health, Our Care, Our Say, Dept. of Health, January 2006  
Sustainable Community Strategy, 2010-16  
The Vision for Adult Social Care 2010

## **7. Service contact**

To be advised

## **71. Health**

### **1. What is covered?**

- 1.1 Healthcare provision: to expand / improve existing facilities, although some developments may be so significant as to warrant a new facility in the development area.

### **2. Where it applies?**

- 2.1 On developments of 10 or more units.
- 2.2 St Mary's Island, Chatham, is exempt as there is currently sufficient physical capacity in that locality due to new facilities having recently opened.

### **3. Requirement**

- 3.1 Medway Primary Care Trust (PCT) has responsibility for the commissioning or direct provision of health services in Medway. Medway is a growth area and increasing developments place many demands on the resources available to health including existing infrastructure, e.g. premises and staffing. For primary and community services in Medway, the services and facilities are at full capacity.
- 3.2 Planning obligations will require developers to make a contribution towards the capital costs of local health facilities proportional to the impact of the proposed development, taking into consideration the existing level of supply in the area.
- 3.3 Where a development of improved/expanded health facilities is not immediately imminent, or where a residential development is of a small scale, the money will be pooled until the improvement/expansion is required and/or all the funding is in place.

### **4. Charging system**

- 4.1 The modelling tool produced by the Healthy Urban Development Unit is known as HUDU. This modelling system has been prepared by a joint Local Authority and NHS unit. The unit based in London has been set up to assist in the infrastructure development for health in the Thames Gateway.
- 4.2 HUDU is designed to help the health community respond to the challenges of predicted population growth. The model takes full account of the demographics of the existing population, and the future predicted population growth. Using standard NHS cost and floor space requirements for the various facilities, the model is able to quantify the impact in terms of physical space and subsequent cost, and estimate a cost per dwelling based on the future expansion of the population.



4.3 The HUDU model was used to determine a figure for local health facilities, based on Medway demographics. This has generated a figure of **£191 per person**.

## **5. Formulae**

5.1 Calculation: No. of housing units x 2.45 occupancy x £191 = contribution

Example for a 10 dwelling development :

$$10 \times 2.45 \times £191 = £4,679.50$$

5.2 Where a new facility is required on a large development, the building may, with the agreement of the developer, be built, developed and funded by the developer and the freehold or long leasehold interest handed over to the PCT. This would be instead of the financial contribution set out in para 5.1 above and would only take place where the developer agrees to this approach.

## **6. Policy/evidence base**

6.1 Key parameters within the HUDU model are set to match local conditions regarding population, land values, building costs and health service practice.

6.2 Medway information has been used in the model but further information can be viewed at the following website: [www.healthyurbandevlopment.nhs.uk](http://www.healthyurbandevlopment.nhs.uk) .

## **7. Service contacts**

The Medway Council planning officer dealing with the development who will liaise with the Assistant Director Property, NHS Medway, as appropriate.

## **7J. Waste and Recycling**

### **1. What is covered?**

- 1.1 Medway Council is a unitary authority responsible for the collection and disposal of household municipal solid waste. The complexity of managing Medway's waste has steadily increased over this millennia as we find better ways of using this waste as a resource rather than landfill. We continue to build on past successes in order to maintain a comprehensive set of recycling options for all Medway residents.
- 1.2 Apart from kerbside refuse and recycling services, other activities covered by these contributions include household waste & recycling centres, waste receptacles, bring sites, public conveniences, graffiti removal, removal of fly tipped waste, community clean-ups, litter & canine bins and the provision of waste information/education to Medway's residents and schools.

### **2. Where it applies?**

- 2.1 All developments of 10 dwellings or more.

### **3. Requirement**

The following services come under the remit of Waste Services and require a significant allocation of resources.

- Removal and disposal of fly tipped waste and support of community clean-up initiatives.
- Provision of clear, targeted information and education to all of Medway's residents relating to waste, waste minimisation, reuse and recycling
- Machinery and equipment for the removal of graffiti
- Installation, repair and replacement of:
  - Public litter and canine bin facilities
  - Bring sites
  - Public toilets
  - Household waste and recycling centres

Total cost per dwelling **£175.00**

### **4. Charging system**

- 4.1 Household waste receptacles, £37.95 per household
- 4.2 Litter and canine bins, £2.57 per household
- 4.3 Bring sites, £7.56 per household  
For developments greater than 500 dwellings, if the area lacks such facilities, there may be an additional requirement for the developer to provide a suitable,

accessible and adequate area of fenced, hard standing land that can accommodate at least 10 banks.

- 4.4 Public conveniences, £10.09 per household
- 4.5 Household waste & recycling centres and waste infrastructure development, £107.31 per household
- 4.6 Graffiti removal team, £7.14 per household
- 4.7 Information/education provision, £2.38 per household.

## **5. Formulae**

- 5.1 Calculations based on per household share of cost on a property count of 109,999 (Valuation Office Agency Statistics data closing stock up to 25<sup>th</sup> October 2010).

## **6. Policy/evidence base**

Environmental Protection Act 1990  
Waste Minimisation Act 1998  
EU Landfill Directive  
Waste and Emissions Trading Act 2003  
Household Waste and Recycling Act 2003  
Clean Neighbourhoods and Environment Act 2005  
EU WEEE & Batteries Directive  
WRAP guidance – Developing Recycling Communications Campaigns  
WRAP guidance – Improving the Performance of Waste Diversion

## **7. Additional notes**

- 7.1 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.
- 7.2 Developers are required to reference and adhere to the guide 'Waste and recycling requirements for new residential developments in Medway' available from Waste Services or Medway Council's website, [www.medway.gov.uk](http://www.medway.gov.uk).
- 7.3 With agreement from the developer, Waste Services may choose to allocate contributions according to a specific need or project within the locality of the development as opposed to the strict allocation outlined in section 4.

## **8 Service contact**

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Waste Development Officer 01634 333164  
[stephen.baker@medway.gov.uk](mailto:stephen.baker@medway.gov.uk)



**Appendix 2 : Representations received for Draft Guide to Developer Contributions**

**May 2012**

	<b>From</b>	<b>Representation</b>	<b>Comment</b>
1.	Christine Gurr, Isle of Grain Parish Council	No mention in document that a consultation process will be undertaken with local communities re use of funding – 11 parishes have intimate knowledge of local area and can advise on ‘impact of the development on the community’ and ‘how the funding could be used to maximise the benefit to the community’	We will be pursuing this issue under the Community Infrastructure Levy (CIL), (see Medway Council’s website), but not for Section 106 developer contributions.
2.	Ruth Goldfeather Mhs Homes	1. Affordable Housing is the S106 contribution and no other contributions should be necessary. More detail provided	Most schemes are partly affordable housing. The Council has taken a policy decision that affordable housing will make other S106 contributions. Government policy guidance advises that if contributions relate to the development, and are required under the Guide to Developer Contributions, then they should be sought.
		2. The restriction that the legal agreement should be completed prior to planning decision or submitting a report to planning committee is restrictive and could be seen as a ransom to whether or not planning is granted	It is vital that Heads of Terms are agreed prior to the report being submitted to planning committee, to ensure planning committee are informed of S106 requirements. S106 agreements must then be completed prior to the formal decision being issued otherwise the S106 would not be enforceable.

	From	Representation	Comment
	Ruth Goldfeather, mhs homes continued	3. support for other areas of draft	Noted.
		<p>4. section 7a : Affordable Housing</p> <ul style="list-style-type: none"> <li>• clause 3.1 is out of date/obsolete</li>   <li>• clause 6.4 requires AH to be retained permanent, therefore stair casing to 100% needs to be noted as an exception</li>   <li>• clause 11.1 states that Medway have a low % (14%) of social rented stock compared to the national average (19.3%). Provision of more than the minimum AH units on a development would help to redress this imbalance and should be acknowledged as a positive contribution and reflected in reduced S106 contributions particularly when offering 100% affordable. If the S106 contribution is not reduced across the whole site, then at the very least there should be zero contribution for all units that exceed the minimum requirement.</li> </ul>	<p>Medway Council is not expecting Registered Provider partners to deliver this form of affordable housing but the possibility to deliver it remains. Therefore the clause must remain.</p> <p>Medway Council expects all affordable housing to be retained in perpetuity. If it is later converted to private tenure, any developer contribution and/or public subsidy to be recycled in line with HCA guidance.</p> <p>Medway Council has a policy and requirement for a % of AH units. Any decision to provide additional AH units is made by the applicant. These units still impact on local infrastructure and therefore S106 contributions should be payable.</p>

	<b>From</b>	<b>Representation</b>	<b>Comment</b>
3.	John Sharkey John Sharkey & Co for the	1. not included in consultation but heard through development plans	Apologies.
	University for the Creative Arts (UCA)	2. doc needs to make it clear that purpose built or purpose adapted student residential accommodation will be exempt as the council firmly believes in the principles of lifelong learning etc. This should be explained in each relevant section	The Council considers that student accommodation should make S106 contributions as it is often developed on a commercial basis e.g. Victory Pier If the proposed student residential accommodation impacts on the local area and infrastructure, then it should pay S106 contributions.
		3. sub heading of education does not include higher or further education : gives reasons / evidence why these should be included. In addition deep cuts to capital funding need to be plugged by developer contributions	The Council considers that funding for higher and further education should be provided by central government and not from a local authority level
		4. UCA want to be involved in drafting of the CIL charging schedule (p7, para 2.12)	Noted
		5. as an important stakeholder UCA feels it is a shame that the council has not involved UCA in the drafting of this document (p8 para 3.4) but hopes to be involved in updating the SPD (p7, para 2.13)	The Council will consult when it reviews its S106 policy in the context of implementing CIL. We will ensure that UCA is a consultee
		6. document should emphasise that the council will take viability of developments into account when considering level of developer contributions in accordance with government guidance and recognition of harsh economic climate (10, paras 4.5 and 4.6)	This issue is covered by 4.5 and 4.6

	From	Representation	Comment
	John Sharkey, continued	7. Charging for monitoring and officer's time..... This does not seem to accord with government guidance; the document should set out clearly the circumstances in which payment will be required for officer's time on negotiating 'S106 matters' (p10, para 4.8)	Planning application fees do not cover the total costs of planning applications. S106 contributions involve additional officer time <u>post</u> resolution working to finalise S106 wording, and also ensuring payments, etc. are made. This cost should reasonably be borne by the developer.
		8. The threshold for contributions is 10 dwellings or more. The document should explain that they will not be sought on developments of purpose built or purpose adapted student residential accommodation (p11, para 5.1)	S106 contributions will be payable on student residential accommodation
		9. For 'educational e.g. college' the threshold is '25 students or more'. This is too low and should be at least 50 students (p11, para 5.1)	The 25 student threshold is considered appropriate
		10. as one of the most important stakeholders in (a) the creative and cultural industries, and (b) community facility in the Medway area, UCA should be one of the recipients of developer contributions so far as skills and training is concerned (p12, para 5.9)	UCA is 1 of 4 universities within Medway together with Mid Kent College. It is not considered appropriate to fund to these organisations via S106
		11. Pages 38 – 40 are entitled 'Children's services : Schools' but should be re-titled 'Education' in accordance with the Local Plan and the emerging Core Strategy, and should include a section on higher and further education	Noted



	<b>From</b>	<b>Representation</b>	<b>Comment</b>
4.	Trevor Hall, Kent Police	<p>Current projections 2012 – 2026 = pop. increase of 5.1%. Kent Police is not funded to deliver additional infrastructure requirements to meet detrimental impact of this increase. Therefore S106/CIL needs to provide funding for effective and efficient policing service. All planned developments within Medway until 2026 necessitate contributions to cover:</p> <ul style="list-style-type: none"> <li>• the provision of additional custody accommodation</li> <li>• funding for the first 3 years of employment of 21.09 Police Officers and 18.47 Police staff</li> <li>• one off set up costs for such staff.</li> </ul> <p>This equates to £1,627,885 (= £101 per new and additional dwelling or £1.23 per m<sup>2</sup> based upon the current average size dwelling of approx 82m<sup>2</sup>) Provides evidence from National Policy, Regional Policy, Local Policy, CIL etc.</p>	Like the majority of planning authorities, Medway Council has taken a policy decision not to fund the Police via S106 contributions as it considers this funding should remain the responsibility of central government
5.	Stuart Blakley Barton Willmore for Berkeley First	<p>1. should add the following to ‘introduction’ “developers should note that not all of these policy obligations may be required for every scheme and a level of priority will be applied. In accordance with the National Planning Policy Framework guidelines, the market conditions will be taken into account and the impact of contributions on scheme viability will be considered, particularly in respect of the provision of affordable housing. This Guide will be reviewed and regularly updated to reflect changes in Government policy and guidance, costs and changes to the council’s priorities or as service area obligations are met”.</p>	This issue is already covered in the document

	From	Representation	Comment
	Stuart Blakley Barton Willmore for Berkeley First, continued	2. Due to NPPF requirement to take account of market conditions, the words 'and meet' should be deleted from para 1.7 as follows : "developers are expected to take account of, <del>and meet,</del> the requirements of this document, before submitting planning applications to the council".	Medway Council does expect developers to meet the requirements of the document
		3. Legal and Policy Context : circular 05/2005 has been replaced by NPPF, therefore para 2.5 should be replaced with para 204 of the NPPF : "planning obligations should only be sought where they meet all of the following tests: <ul style="list-style-type: none"> <li>• Necessary to make the development acceptable in planning terms;</li> <li>• Directly related to the development; and</li> <li>• Fairly and reasonably related in scale and kind to the development"</li> </ul> Para 205 of NPPF should also be inserted "where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled"	All these issues are already covered in paragraphs 4.5 – 4.6
		4. Procedural and administrative considerations : support paras 4.5 and 4.6	Noted

	<b>From</b>	<b>Representation</b>	<b>Comment</b>
	Stuart Blakley Barton Willmore for Berkeley First, continued	5. Affordable Housing : paras 2.1, 2.2, 3.1, 4.1 and 5.1 relate to definitions of various types of AH and definitions in PPS3. These paras should be replaced with the definitions of AH set out in annex glossary of the NPPF	<p>Wording updated as below but please note new numbering of paragraphs.</p> <p>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:</p> <p>Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.</p> <p>Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the</p>

	<b>From</b>	<b>Representation</b>	<b>Comment</b>
	Stuart Blakley Barton Willmore for Berkeley First, continued		<p>Homes and Communities Agency.</p> <p>Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).</p> <p>Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.</p> <p>Homes that do not meet this definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes.</p> <p>Medway Council does not recognise HomeBuy Direct or FirstBuy Direct as an intermediate housing product and will not</p>

	From	Representation	Comment
	Stuart Blakley Barton Willmore for Berkeley First, continued		accept such units as forming part of an affordable housing requirement under a s106 Agreement
		<p>6. AH size mix : paras 12.1 and 12.2 should be amended to be in closer alignment with para 50 of the NPPF – wording in the draft below shows suggestions in bold italic</p> <p>“In terms of the size mix of affordable unit on a site, the Council will generally seek to achieve the <b>approximate</b> following mix, <b>where practically feasible</b> ::</p> <ul style="list-style-type: none"> <li>• 40% 1-bedroom properties</li> <li>• 30% 2-bedroom properties</li> <li>• 20% 3-bedroom properties</li> <li>• 5% 4-bedroom properties</li> <li>• 5% 5-bedroom properties</li> </ul> <p>The Housing Development &amp; Investment 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 Development and Investment Team will expect the affordable element to be representative of the total size mix to be delivered on any given scheme.</p>	Suggested revised wording adopted (now paragraph 9.1)

	From	Representation	Comment
	Stuart Blakley Barton Willmore for Berkeley First, continued	12.2 The above breakdown of both housing tenure and size is to be regarded <b>only</b> as a guide. The exact percentages for each site will be determined following discussions between the Housing Development & Investment Team, Development Management and the developer prior to the drafting of a s106 Agreement.	Suggested revised wording adopted (now paragraph 9.2)
		<p>7. Design and layout of AH on S106 sites : para 13.4 states “compliance will be a consideration in the granting of planning permission and will apply to all proposals involving new units of accommodation’.</p> <p>Request para is amended to support their reps to Draft Core Strategy which state in detail that interim Housing Design Standards should be used as guidance only and not linked by policy reference to the Core Strategy for soundness.</p> <p>Suggestion is as follows (amendments in bold italic or crossed through)</p> <p>“It should also be noted that the Council has produced the <i>Medway Housing Design Standards</i>. <del>This document is a proposed Supplementary Planning Document (SPD) that expands upon and provides further details</del> <b>guidance</b> to the <i>Medway Local Plan Policies BNE1 (General Principles for Built Development)</i> and <i>BNE2 (Amenity Protection)</i>.</p> <p>Compliance, <b>where practically feasible</b>, will be a consideration in the granting of planning permission and will apply to all proposals involving new units of accommodation.</p>	<p>Para 13.4 (now paragraph 10.4) to be amended as follows:</p> <p>These are minimum unit sizes that apply to affordable units that will be transferred to a registered provider. The Council has produced the Medway Housing Design Standards that cover all forms of residential development, including affordable housing. These reflect more recent thinking on internal space standards by the HCA and the London Plan. They expand on saved local plan policies and a policy in the Medway Core Strategy. 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.</p>

	<b>From</b>	<b>Representation</b>	<b>Comment</b>
	Stuart Blakley Barton Willmore for Berkeley First, continued	8. Para 13.3 and table should be deleted as reference to the HCA guidance differs from Council's guidance.	Para 13.3 remains but now numbered 10.3
		9. Funding for AH : suggestion to delete para 19.1 (“The cost of providing AH 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 residualised in order to ensure financial viability.”) as it does not take into account NPPF which states (para 205) “where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled”.	The text should remain unchanged and the flexibility and viability is already covered under 4.5 and 4.6
		10. Trigger thresholds and blanket formulae : refer to previous reps submitted 11/01/2008 as still apply.	The Council does not consider that alternative thresholds proposed are appropriate







## Diversity Impact Assessment: Screening Form

Directorate RCC	Name of Function or Policy or Major Service Change Review of Guide to Developer Contributions	
Officer responsible for assessment Jill King, Section 106 Officer	Date of assessment 27 March 2012	New or existing? New
<b>Defining what is being assessed</b>		
1. Briefly describe the purpose and objectives	The Guide to Developer Contributions sets out what developers are required to pay to Medway Council services when they build a development of 10 dwellings more. These contributions are to address the impact of the development, e.g. funding for school places to meet the needs of residents of the new development.	
2. Who is intended to benefit, and in what way?	Developers : they have information available which identifies costs relating to a proposed development which can be taken into account when purchasing land, or costing out projects. The community : if planning obligations include highway works and open space, these benefit not only the residents of the new development but other users of the facility.	
3. What outcomes are wanted?	Obligations are to address the impact of the development, e.g. if it is a large development there could be a requirement for a new doctor's surgery or school, or an extension to an existing surgery or school	
4. What factors/forces could contribute/detract from the outcomes?	Contribute The Guide includes up to date information	Detract Information is out of date
5. Who are the main stakeholders?	Developers, Medway Council services, residents living in Medway.	
6. Who implements this and who is responsible?	The Guide to Developer Contributions was adopted by Cabinet in April 2008 as a Supplementary Planning Document (SPD). The review and consultation is going to Cabinet on 17 April 2012 with a recommendation to approve. Developers liaise with planning officers to agree contributions and after the S106 agreement is signed and completed, the S106 Officer is responsible for collection of contributions	

Assessing impact		
7. Are there concerns that there <u>could</u> be a differential impact due to <i>racial/ethnic groups</i> ?		Brief statement of main issue
	NO	
What evidence exists for this?	The Guide is available for any person or company wishing to build at least 10 dwellings in Medway.	
8. Are there concerns that there <u>could</u> be a differential impact due to <i>disability</i> ?		Brief statement of main issue
	NO	
What evidence exists for this?	The Guide is available for any person or company wishing to build at least 10 dwellings in Medway. Contributions identified in the Guide range from open space to adult social care and health	
9. Are there concerns that there <u>could</u> be a differential impact due to <i>gender</i> ?		Brief statement of main issue
	NO	
What evidence exists for this?	The Guide is available for any person or company wishing to build at least 10 dwellings in Medway.	
10. Are there concerns there <u>could</u> be a differential impact due to <i>sexual orientation</i> ?		Brief statement of main issue
	NO	
What evidence exists for this?	The Guide is available for any person or company wishing to build at least 10 dwellings in Medway.	
11. Are there concerns there <u>could</u> be a have a differential impact due to <i>religion or belief</i> ?		Brief statement of main issue
	NO	
What evidence exists for this?	The Guide is available for any person or company wishing to build at least 10 dwellings in Medway.	
12. Are there concerns there <u>could</u> be a differential impact due to people's <i>age</i> ?		Brief statement of main issue
	NO	
What evidence exists for this?	The Guide is available for any person or company wishing to build at least 10 dwellings in Medway.	
13. Are there concerns that there <u>could</u> be a differential impact due to <i>being transgendered or transsexual</i> ?		
	NO	
What evidence exists for this?	The Guide is available for any person or company wishing to build at least 10 dwellings in Medway.	

14. Are there any <i>other</i> groups that would find it difficult to access/make use of the function (e.g. speakers of other languages; people with caring responsibilities or dependants; those with an offending past; or people living in rural areas)?		If yes, which group(s)?
	NO	
What evidence exists for this?	This document is for any developer and is available in other formats/languages on request	
15. Are there concerns there <u>could</u> be a have a differential impact due to <i>multiple discriminations</i> (e.g. disability and age)?		Brief statement of main issue
	NO	
What evidence exists for this?	Se above	

Conclusions & recommendation		
16. Could the differential impacts identified in questions 7-15 amount to there being the potential for adverse impact?		Brief statement of main issue
	NO	
17. Can the adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or another reason?		Please explain
	NO	
Recommendation to proceed to a full impact assessment?		
NO	This function/ policy/ service change complies with the requirements of the legislation and there is evidence to show this is the case.	

Planning ahead: Reminders for the next review		
Date of next review	The Guide to Developer Contributions will need to be updated again when Medway Council becomes a Community Infrastructure Levy (CIL) Charging Authority (CA). This should come into force late 2013 with a final deadline of 31 March 2014.	
Signed ( <del>completing officer</del> /service manager)	Date	
	27/3/12	
Signed (service manager/Assistant Director)	Date	
	28.3.12	