



**Growth, Environment
& Transport**

Marion Geary
Mid Kent Planning Support
Maidstone House
King Street
Maidstone
ME15 6JQ

Invicta House
MAIDSTONE
Kent ME14 1XQ

Phone: 03000 411683
Ask for: Simon Jones
Email: Simon.Jones@kent.gov.uk

BY EMAIL ONLY

17 May 2021

Dear Marion

**Re: EIA Scoping Opinion for a proposed development at Land North of Marden
Maidstone Road, Marden, Kent [application reference: 21/501909/EIASCO]**

Thank you for consulting Kent County Council (KCC) on the request for a Scoping Opinion for the proposed development of up to 2,000 dwellings, a care home, new primary school, nursery, retail and employment provision, with associated community facilities, open space and infrastructure improvements (including improvements to Marden train station).

The County Council has reviewed the Environmental Impact Assessment (EIA) Scoping Report and sets out its comments below, following the order of the report.

2.3 Scoping Methodology

Public Health

The EIA Regulations (2017) require the environmental assessment process to consider population and human health. The latter has been referenced within this report (page 20) where it has been determined that there would be possible significant effects at both demolition/construction and operational stages, due to the scale of the development proposal. The health impacts considered in the Scoping Report appear limited to air quality, noise and potential ground contamination. The County Council recommends that a standalone Human Health Assessment is carried out which considers the baseline profile of existing residents living in the surrounding community and the potential profile or needs of those living within the proposed development. It is also vital that there is an understanding of the profile of groups who may be particularly vulnerable to environmental and social change.

Further exploration should be undertaken in respect of the potential impacts on existing pedestrians, cyclists and equestrians and their access to open space, having consideration of Public Health England Profiles, data regarding countryside usage as published by Defra and data from the Active Lives Adult Survey (Sport England).

Additionally, KCC recommends further consideration of the population and human health impacts in relation to health care (including primary and emergency) needs of the existing and proposed communities.

Sustainable Urban Drainage Systems (SUDS)

The County Council provided a direct response to Maidstone Borough Council on 28 April 2021 (Appendix 1)

4.2 Traffic and Transport / 4.3 Air Quality

Highways and Transportation

The Scoping Report identifies a range of potential effects that could arise on the local transport networks due to the proposed development. It confirms that a Transport Assessment (TA) will be submitted in support of a planning application.

KCC, as Local Highway Authority, regards the submission of a detailed TA to be essential in enabling the cumulative transport related impacts of the proposed development to be properly understood. Importantly, it should identify the measures that will be implemented to ensure such impacts can be appropriately mitigated. The TA should include, but is not necessarily limited to, the following key items:

- An assessment of the existing transport networks and infrastructure;
- Robust forecasting of the likely trip generation and distribution impacts of the proposals;
- Detailed assessments, including junction capacity modelling, of the forecasted impacts in the context of the existing network. These assessments should consider road safety as well as highway capacity; and
- Evidence to demonstrate how the proposed mitigation measures will address any potentially significant or severe impacts.

The applicant has already initiated discussions with KCC regarding the scope and content of the TA. It is recommended that the TA should be accompanied by a Travel Plan. This is not mentioned in the Scoping Report, however the intention to include a Travel Plan has been confirmed with the applicant in discussions.

The proposed assessment methodology, as set out in Section 4.2, outlines a suitable approach for testing the environmental impacts of the proposed development from a transport perspective.

One of the major environmental impacts that results from increased motor vehicle trips is air pollution and KCC recommends that the Environmental Protection team at Maidstone Borough Council be consulted regarding the suitability of the proposed approach to air quality, which is set out in section 4.3.

4.4 Climate Change

Sustainable Business and Communities

In partnership with the Borough Council, the [Kent and Medway Energy and Low Emissions Strategy](#) sets out how KCC will work in partnership to reduce greenhouse gas emissions from the whole county to net zero by 2050.

KCC welcomes the inclusion of a dedicated climate change chapter within the Scoping Report and would direct the applicant to the [Climate Change Risk and Impact Assessment for Kent and Medway](#), which provides further local insight based on the Met Office's UK Climate Projections.

The County Council expects to see a fully quantified baseline greenhouse gas (GHG) assessment, regardless of current land-use and the significance of the proposed development judged against this baseline. Whilst this may demonstrate a significant increase in emissions compared to the baseline scenario, it will provide a true estimation of the magnitude of the development's impact on local and national GHG targets. This can be further contextualised by comparison to sector-based minimum energy/efficiency requirements.

The proposed GHG assessment methodology stated in paragraph 4.4.8 should also consider the GHG emissions from:

- land-use change;
- water consumption from residential, commercial, and during construction; and
- waste management generated by commercial and residential use.

KCC would support the use of energy and water efficiency targets that exceed Part L of the Building Regulations and the use of Design Codes that maximise the 'fabric first' approach and prioritise carbon reduction through passive design. Likewise, KCC would also welcome the use of Design Codes which support the embodied carbon reduction hierarchy (build less, build light, build wise, build low carbon and build for the future).

Paragraph 4.4.20 states that the sensitive receptor affected by GHG emissions effects will be defined as 'high' sensitivity. KCC considers that the sensitivity should be 'very high', given the climate emergency, the permanence of emissions, their cumulative effects and the irreversible damage expected as a result of a warming climate.

4.6 Socio-Economic

Provision and Delivery of County Council Community Services and Facilities

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

These tests have been duly applied in the context of this proposed development. The County Council has modelled the impact of this proposal on the provision of its existing services and the outcomes of this process are set out below. A summary is provided within Appendix 2.

Primary school provision: The proposal will give rise to circa 560 new primary school pupils. This need can only be met through the provision of a new on-site 3 FE primary school.

This proposal has been assessed in accordance with the KCC Development Contributions Guide methodology of '*first come, first served*' assessment, having regard to the indigenous pupils, overlain by the pupil generation impact of this and other new residential developments in the locality.

The County Council requires one 3FE primary school freehold site of 3ha at 'nil' cost to the County Council (transferred as per KCC's General Site Transfer Requirements – Appendix 3). It also requires a financial contribution towards the construction of the new on-site primary school of £6,800.00 per applicable house and £1,700.00 per applicable flat¹.

It should be noted that this process will be kept under review and may be subject to change (including a possible locational change) as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011.

KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2021-25 and Children, Young People and Education Vision and Priorities for Improvement 2018-2021.

¹ 'Applicable' means: all dwellings, except one bed units of less than 56 sqm GIA and any sheltered accommodation.

The new school will be required to be transferred in a timely manner, taking into account need, construction, highways and active travel routes.

Secondary School Provision: A contribution is sought based upon the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded.

The proposal is projected to give rise to circa 400 additional secondary school pupils upon occupation of this development . There is currently no capacity in the existing system to absorb the additional need that this proposed development would create. Therefore, a new secondary school for the additional school places will be required to ensure the development is sustainable.

There are ongoing discussions between the Borough Council and County Council regarding additional secondary provision and the strategic provision of 8 FE on 11Ha is required.

In addition to a new secondary school site, proportionate construction costs for each pupil generated by the development are required towards the construction of the new school and contributions towards the purchase of land for a new school or the transfer of land within the development. The appropriate location for new provision will need identifying in collaboration with all parties.

The secondary pupils generated from the development will require financial contributions towards the construction of the new secondary school at £25,880 per pupil place (£5,176.00 for each applicable house and £1,294.00 per applicable flat).

It should be noted that where a contributing development is to be completed in phases, payment may be triggered through occupation of various stages of the development comprising an initial payment and subsequent payments through to completion of the scheme.

This process will be kept under review and may be subject to change, as the Local Education Authority will need to ensure provision of the additional pupil spaces within the appropriate time and at an appropriate location.

Community Learning: There is an assessed shortfall in provision for this service - the current adult participation in both district centres and outreach facilities is in excess of current service capacity. To accommodate the increased demand on KCC Adult Education service, the County Council requests £16.42 per dwelling towards IT, equipment and resources to enable outreach work in the vicinity of the development.

Youth Service: To accommodate the increased demand on KCC services, the County Council requests £65.50 per dwelling towards IT, equipment and resources to enable outreach work in the vicinity of the development.

Libraries: This new development will generate new borrowers for the library service. KCC is the statutory Library Authority with a statutory duty (set out in the Public Libraries and

Museums Act 1964) to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives.

There is an assessed shortfall in provision of bookstock in Maidstone at 1,119 items per 1000 population, which is below the County average of 1,134 and both the England and total UK figures of 1,389 and 1,492, respectively. The County Council therefore requests £55.45 per household to address the direct impact of this development. As and when these monies are received, they will be used towards bookstock, equipment, IT and resources at libraries serving the development.

Social Care: The proposed development will result in additional demand upon Social Care (older people and also adults with learning or physical disabilities) services. However, all locally available care capacity is currently fully allocated and there is no spare capacity to meet additional demand arising from this development that Social Care is under a statutory obligation to meet. In addition, the Social Care budgets are fully allocated so there is no spare funding available to address additional capital costs for social care clients generated from new development.

To mitigate the impact of this development, KCC requires a proportionate monetary contribution of £146.88 per household towards specialist housing provision in the Borough and adaptation of community facilities, technology to promote independence, multi-sensory facilities and changing place facilities in the vicinity of the development.

The Ministry of Housing, Communities and Local Government identified in guidance published in June 2019 ('Housing for older and disabled people') the critical need to provide housing for older and disabled people. Accessible and adaptable housing enables people to live more independently and safely, providing safe and convenient homes with suitable circulation space and suitable bathroom and kitchens. KCC requests that these dwellings are built to Building Regulation Part M4(2) standard, this is to ensure they remain accessible and able to meet the needs of the occupants throughout their lifetimes.

Care Home Provision The application proposes the provision of a care home. KCC has seen a steady decline in overall older person care home numbers in the past five years, with the situation further reduced as a result of Covid-19. Consequently, there are only specific types of care homes that KCC would wish to support. There is a significant demand for residential and nursing care homes that can meet the needs of people with challenging and complex dementia. KCC would encourage any new residential care home provider to join the KCC Care Home Contract and to operate a mixed economy of both local authority funded and private funded residents. As such, it is recommended that the applicant works with KCC to develop the most appropriate form of care delivery.

Waste: The County Council is a statutory Waste Disposal Authority, responsible for the safe disposal of all household waste arising in Kent, providing Household Waste Recycling Centres (HWRC), Materials Recovery Facilities (MRF) and Waste Transfer Stations (WTS). Each household produces an average of a quarter of a tonne of waste per year to be processed at HWRCs and half a tonne per year to be processed at WTSs. Existing HWRCs

and WTSs will be over capacity by 2021/2022 and additional housing has a significant impact on the manageability of waste in Kent.

A contribution of £54.47 per household is required towards the extension and upgrading of existing Household Waste Recycling facilities in Maidstone, to mitigate the impact arising from this development, and accommodate the increased waste throughput within the Borough.

Broadband: The National Planning Policy Framework (paragraph 112) requires full fibre connection to new developments which is a gigabit capable fibre optic to the premise connection. The proposed development will need to provide 'fibre to the premise' (FTTP) broadband connections to all premises of gigabit capacity. Developers are advised to make early contact with broadband providers, as there can be a significant lead-in time for cable installation and associated infrastructure.

Implementation: The County Council is of the view that the above contributions comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the proposal on the provision of those services for which the County Council has a statutory responsibility. Accordingly, it is requested that the Local Planning Authority seeks a section 106 obligation with the developer/interested parties prior to a grant of planning permission. The obligation should also include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement, and County monitoring fee of £500 for each trigger within the Agreement.

Further engagement in respect of the requests outlined within this response is encouraged.

Public Rights of Way

KCC is keen to ensure that the County Council's statutory duty to protect and improve Public Rights of Way (PRoW), and Rights of Way Improvement Plan (ROWIP) is considered.

Public Footpaths KM242, 241, 240, 239, 267, 268 and 274 are located within the site and would be directly affected by the proposed development. Public Footpaths KM272, 273 and 337 abut or are adjacent to the site. The locations of these paths are indicated on the extract of the Definitive Map (Appendix 4).

KCC recommends that the PRoW network is specifically included within all assessments where walking and cycling are referenced to ensure that the opportunities which the network can provide through positive incorporation and early planning, are not missed.

The substantial size of this development proposal will have an adverse impact on the PRoW network, through increased use, loss of amenity and potential generation of traffic. Significant measures will need to be taken to help mitigate all these impacts and future proof sustainable Active Travel in both the development, and the wider area of the Borough. The development should seek a modal shift away from short car journeys and should focus on the provision of sustainable transport opportunities.

Development contributions may also be sought to mitigate the loss of amenity, increased use and subsequent surface improvements that will be required in the wider network as a result of the proposed development.

In respect of the assessment, KCC requests the following is taken into account:

- The likely visual impact on users participating in recreational activity on the above mentioned footpaths and restricted byways.
- The likely loss of recreational walks within open countryside.
- The impact of increased vehicular traffic along rural lanes, which currently provide valuable connections for equestrians and cyclists travelling between off-road PRow routes. The proposed development could deter public use of the PRow network if vehicular traffic increases along these roads.
- The viability of upgrading existing PRow as a means of providing walking and cycling between residential dwellings, education facilities, employment hubs and local amenities, to encourage active travel.
- The creation of new walking, cycling and equestrian routes that connect the site with the surrounding countryside, providing opportunities for outdoor recreation.
- The provision of safe crossings points over the London to Ramsgate railway line for non-motorised PRow users, to address safety concerns and improve network connectivity. KCC would recommend engagement with Network Rail at the early application stages to ensure this requirement.
- The PRow network should be included in the proposed Movement Strategy as the asset provides significant Active Travel and connectivity opportunities for both leisure, local commuting and access to Marden amenities.
- KCC welcomes the inclusion of the PRow network within the Visual Appraisal, however, KCC considers that the network users will be adversely affected by loss of visual quality as well as overall enjoyment of use, and as such appropriate mitigation should be in place.
- Although the Illustrative Master Plan shows the PRow routes, KCC recommends these are labelled specifically within the key.

In consideration of Kent Design standards, any forthcoming Master Plan should keep PRow within overlooked areas of open space, to facilitate a safer environment for path users. Path extinguishments and long term severance of routes should also be avoided, to prevent fragmentation of the PRow network.

Sports and Recreation

The County Council is keen to understand the proposals for open green space and community facilities and what provisions will be put in place for sport and physical activity of the new residents.

Active Design principles will need to be integrated into all developments and KCC would recommend consideration of the Kent Design Guide and Sport England Active Design Guide².

Consideration should be given as to how activity, green space and community services are accessed and the applicant should provide opportunities, where possible, for Active Travel to and from these.

4.7 Archaeology and Cultural Heritage

Heritage Conservation

The County Council provided a direct response to Maidstone Borough Council on 6 May 2021 (Appendix 5)

4.10 Biodiversity

Biodiversity

The County Council provided a direct response to Maidstone Borough Council on 23 April 2021 (Appendix 6)

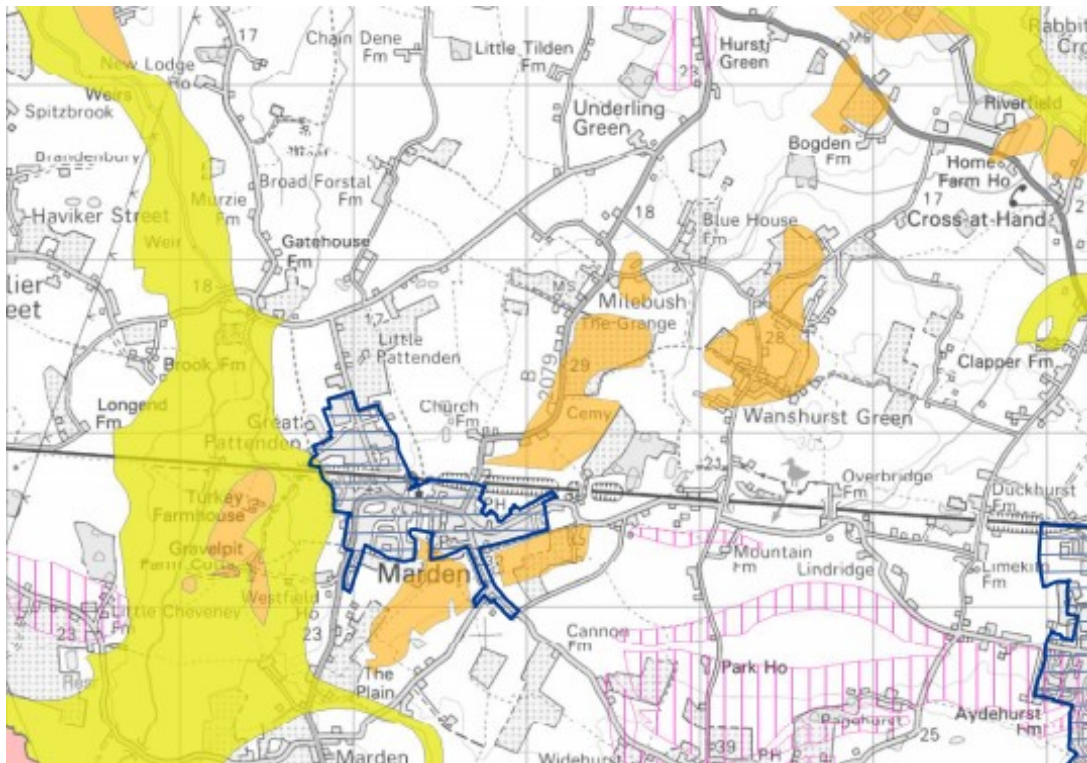
4.11 Minerals Assessment

Minerals and Waste

The County Council, as Minerals and Waste Planning Authority, confirms that the area does not contain any safeguarded mineral or waste facility, nor is it within 250 metres of one. Therefore, a planning application would not have to be considered against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted Kent Minerals and Waste Local Plan 3013-30.

With regard to land-won minerals safeguarding matters, the application site is coincident with a safeguarded mineral deposit in the area north west of Marden, this being the superficial River Terrace Deposits (shown as orange on the safeguarding map extract below).

² <https://www.sportengland.org/facilities-planning/active-design/>



Therefore, any planning application for development of the area outlined in the Scoping Opinion should include a Minerals Assessment (MA) or Minerals Resource Assessment (MRA) to determine if the safeguarded mineral deposit would be being needlessly sterilised.

The County Council agrees with the provisions within paragraph 4.11.1 of the Scoping Report. Once the Minerals Assessment has been carried out, and if it is to be argued that prior extraction of any of the safeguarded minerals is not to occur, then an explanation is required setting out how an exemption to mineral safeguarding (pursuant to Policy DM 7: Safeguarding Mineral Resources of the Kent Minerals and Waste Local Plan 2013-30 (KMWLP)) is justified and which exemption criterion of the policy is to be invoked. The County Council has recently reviewed the safeguarding policies of the KMWLP and the relevant Supplementary Planning Document that explains the mineral and waste safeguarding assessment process in greater detail. The Appendix V Part 1 of the Scoping Report should be updated accordingly.

The County Council will continue to work closely with the Borough Council to help to ensure the delivery of new housing and infrastructure in response to local needs. The County Council will welcome further engagement with the Borough Council and the applicant on the matters raised in this response.

If you require any further information or clarification on any matter, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Simon Jones', is written over a light grey rectangular background.

Simon Jones

Interim Corporate Director – Growth, Environment and Transport

Encs:

Appendix 1: Sustainable urban Drainage Systems (SUDS) direct response to Maidstone Borough Council on 28 April 2021

Appendix 2: County Council Community Facilities and Services Request Summary

Appendix 3: KCC's General Site Transfer Requirements

Appendix 4: Extract of the Definitive Map

Appendix 5: Heritage Conservation direct response to Maidstone Borough Council on 6 May 2021

Appendix 6: Biodiversity direct response to Maidstone Borough Council on 23 April 2021