



Growth, Environment & Transport

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BY EMAIL ONLY

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Dear Louise,

Re: Supplementary Statement to the additional evidence submitted in the Examination (Stage 1) of the Maidstone Borough Council Local Plan Review

Thank you for inviting Kent County Council (KCC) to submit a Supplementary Statement to the Examination of the Maidstone Borough Council (MBC) Local Plan Review.

The County Council is concerned with the amount of additional information that has been submitted at this late stage of the Local Plan process. The County Council does not consider that there is adequate time to assess all of the information sufficiently before the next set of hearings currently scheduled in November.

In particular, a significant amount of additional information relating to the proposed allocation of Heathlands Garden Settlement (Policy LPRSP4(A)) - not submitted as part of the evidence base supporting the Local Plan Review Regulation 19 Draft for Submission document - has been received over the last few weeks from Maidstone Borough Council. It is not clear to the County Council whether this information has been formally accepted by Maidstone Borough Council, as Local Planning Authority, and what the status of this information is or whether this information has been or will be published. Any information provided by the Borough Council must be made available as part of the Examination Documents for transparency and fairness.

In light of the above, the County Council would respectfully request the Inspector ensure that enough time is made available in advance of any hearing session to allow sufficient evidence to be submitted and for all issues to be assessed in a fair, open and transparent manner. The County Council understands that Maidstone Borough Council will be issuing an updated Statement of Common Ground prior to the resumption of the hearing sessions. This

will reflect the proactive approach taken by both authorities in addressing these outstanding matters.

In summary, the County Council would raise the following key issues, which are provided in more detail within this Statement:

- **Local Highway Authority:** There remains significant omissions within the evidence base demonstrating the impact of the garden settlements on the highway network, and consequently, the necessity and deliverability of mitigation measure. In the case of the highway mitigation for the Heathlands Garden Settlement, work is very much ongoing and the County Council awaits the submission of further information by Maidstone Borough Council as site promoter which will require a considered review by the Local Highway Authority.
- **Education Planning Authority:** Concerns raised within the County Council's previous Written Statement in respect of adequacy of education provision to support the Local Plan remain. Furthermore, there is conflicting evidence provided to the Examination regarding the timing of the delivery of secondary school provision at Heathlands Garden Settlement.
- **Minerals and Waste Planning Authority:** Clarification is required to be submitted to the Examination regarding the scale of any imports needed for low level restoration at the Chapel Farm site.
- **Lead Local Flood Authority and Biodiversity:** The Heathlands Nutrient Mitigation Analysis Memo Per Capita Consumption rate should be decreased to deliver lower nutrient levels in the borough. Achievability of proposed mitigation measures must be confirmed to allow for considered Habitat Regulations Assessment conclusions to be reached.

Notwithstanding the above, the County Council, as Local Highway Authority, Education Planning Authority, Lead Local Flood Authority and Minerals and Waste Planning Authority have provided the following response in respect of the new evidence that has been provided to the Examination:

Matter 2: The Borough Spatial Strategy

Issue 3: Whether the proposed spatial strategy is justified, effective, positively prepared and consistent with national policy, including in terms of the distribution of development across the Borough and the assignment of places within the settlement hierarchy.

Q2.15 Has the Plan sought to appropriately maximise the potential of the existing urban area of the County Town of Maidstone for housing and commercial development including sustainable edge of settlement options? Do highways and secondary education capacity constrain potential growth in the Maidstone urban area?

Education Planning Authority: The County Council confirms that the submitted Written Statement submitted on 25 August 2022¹ responding to Q2.15, remains valid in respect of

¹ Kent County Council Written Statement (Ref: 1257414)

education and have not altered in response to any additional information provided to the Examination.

Matter 3: The Garden Settlements

Issue 2: Whether the proposals for a new garden settlement at Heathlands are justified, effective and consistent with national policy

- Heathlands Development Project Delivery Plan September 2022 (Updated) (ED46)
- Proposed Main Modifications to the Local Plan Review Documents (LPRSUB 011)

Q3.21 Does Policy LPRSP4(a) identify all appropriate and necessary infrastructure requirements? How will these be provided and funded?

Education Planning Authority: The statement and concern regarding delivery of necessary infrastructure remains as submitted within the Written Statement provided on 25 August 2022² as it relates to the Council's proposed Policy and Modifications. The County Council considers that the Heathlands Development Project Delivery Plan (ED46) has introduced an element of confusion regarding the Council's intention for infrastructure delivery.

The proposed modifications to LPRSP4(A) Heathlands (1) (a) state the 'Secondary school requirement established & land allocated' within Phase 2 of the development, by 2037 once a minimum of 1,400 units have been occupied. The policy also states: 'Secondary education provision delivered as necessary' within Phase 3 of the development by 2042 once 2,500 units have been occupied. If a secondary school were to be established along these timelines in line with that quantum of development, the delay to establishing a secondary school would lead to insufficient provision for approximately 350 secondary aged pupils for an unknown number of years, for which no school place is currently forecast to be available within the local or wider area.

The document produced by Homes England titled, Heathlands Development Project Delivery Plan September 2022 (Updated) (ED46) states that "Secondary school provision delivered as necessary" within Phase 2. The requirement for the new secondary school to be delivered is at approximately 750 occupations; the same number of homes intended to be delivered as part of Phase 1; if it is therefore the intention that the Local Plan Review will create a policy framework for the secondary school to be established at commencement of Phase 2, then this would be supported. Clarity is sought as to whether the Borough Council supports the site promoters indicative phasing within ED46 and intends to modify the submitted Plan to reflect this change in timing. The Submitted Plan, Main Modifications and Heathlands Development Project Delivery Plan September 2022 (ED46) currently all state different intentions for the timing of this piece of infrastructure and it is the view of the County Council that the weight that can be given to ED46 is limited as it reflects an evidence base document produced by the site promoter and has not altered the relevant policy. It is imperative that a policy requirement be introduced that supports and enables the

² Kent County Council Written Statement (Ref: 1257414)

establishment of a new secondary school by no later than 750 occupations, without which there is not forecast to be sufficient school places in the area.

Matter 3: The Garden Settlements

Issue 2: Whether the proposals for a new garden settlement at Heathlands are justified, effective and consistent with national policy

- [Position Paper \(ED45\)](#)
- [Heathlands Development Project Delivery Plan September 2022 \(Updated\) \(ED46\)](#)

Local Highway Authority: It is noted that the Project Delivery Plan (ED46) presents updated indicative delivery milestones for the development. The County Council, as previously indicated in relation to Question 3.18, is supportive of the inclusion of the new rail station in the first phase of development as this provides the best opportunity to encourage sustainable travel behaviours³. This approach is also consistent with paragraph 99 of the Position Paper (ED45), which identifies the opening of the new rail station in the first phase of development to be the preferred solution.

The updated milestones and associated viability assessment do not provide further clarity on the funding and delivery of the other transport infrastructure measures that would be necessary to support the development. This includes mitigation measures at M20 J8/J9 and on the A20, to the west and east of the site, and A249 road corridors and the bus services that would operate alongside or instead of the new rail station.

The County Council maintains the view that this is a significant omission and, when viewed in the context of Questions 3.21 and 3.22, the additional evidence does not justify the transport infrastructure phasing timetable defined in the proposed policy modification. The County Council's concerns regarding the soundness of this timetable therefore remain unresolved.

Matter 3: The Garden Settlements

Issue 3: Whether the proposals for a new garden settlement at Lidsing are justified, effective and consistent with national policy

- [Traffic Impact Assessment \(ED53B\)](#)
- [Infrastructure Proposals \(ED53C\)](#)
- [Sustainable Transport Strategy \(ED53A\)](#)

Local Highway Authority: The County Council has reviewed the additional transport evidence in relation to the proposed Lidsing garden settlement. Overall, this provides a fuller understanding of the infrastructure requirements that will be required to mitigate its impact; however, some previously raised concerns remain.

³ Kent County Council Written Statement (Ref: 1257414)

It is noted that the primary purpose of the evidence is to identify the transport infrastructure required to support the build-out of the garden settlement over the plan period to 2037.

When viewed in the context of Question 3.37 concerning the effectiveness of the policy framework, it is apparent that the evidence does not justify the transport infrastructure phasing timetable defined in the proposed policy modification. The County Council's concerns regarding the soundness of this timetable therefore remain unresolved.

Both the Traffic Impact Assessment (ED53B) and Infrastructure Proposals (ED53C) reports helpfully address Questions 3.40 and 3.41 in how they reinforce the imperative of achieving primary access to the site via M2 J4. They support the County Council's view that connectivity to M2 J4 should form part of a package of measures that will minimise the potential for additional traffic movements on minor roads in the vicinity of Bredhurst and Boxley.

Paragraphs 3.3.22 – 3.3.24 and 3.3.31 of the Traffic Impact Assessment (ED53B) highlight how the development proposals include road connections to Lidsing Road, Forge Lane and Maidstone Road. The travel demand methodology described in paragraphs 3.3.24 – 3.3.31 then describes how route choice assumptions have been applied to account for the proposed design constraints on these connections that would be expected to reduce their attractiveness as routes for travel.

The evidence provides limited detail on the nature and scope of the proposed design constraints. Furthermore, no confirmation is provided on the intended funding arrangements and timing of implementation.

There are references to prioritising walking and cycling on Forge Lane in paragraph 4.2.15 of the Sustainable Transport Strategy (ED53A) and traffic calming on The Street/Maidstone Road corridor in paragraph 3.3.31 of the Traffic Impact Assessment (ED53B). Paragraphs 5.1.3 – 5.2.3 of the Infrastructure Proposals (ED53C) also indicate how the access junctions with Maidstone Road could be configured to prioritise movement to/from the development.

It is noted that the applied route choice assumptions, referred to as 'cost penalties' in paragraphs 3.3.22 – 3.3.31 of the Traffic Impact Assessment (ED53B), have not been explicitly defined. They have resulted in forecast traffic reductions in both Bredhurst and Boxley, as summarised in paragraphs 4.4.2 and 4.4.6 – 4.4.8.

In responding to Question 3.46, the County Council has previously highlighted how the traffic modelling undertaken using the Kent Transport Model (LPR 5.2) had indicated an increase in traffic flows through both Bredhurst and Boxley. The new evidence is, therefore, inconsistent with the County Council's findings.

The County Council is mindful of paragraph 4.1.5 of the Traffic Impact Assessment (ED53B), which draws attention to the limitations of the new modelling evidence when appraising impacts on this part of the highway network. It also acknowledges the robustness of the modelling already undertaken by the County Council, which has accounted for the full build-out of the garden settlements.

The County Council maintains the view that further detailed assessment work will need to be undertaken in respect of the highway network at Bredhurst and Boxley. In order to address Question 3.45, this must provide a robust understanding of the potential traffic impacts and identify how mitigation measures will be funded and delivered in a timely manner.

It is noted that paragraph 5.4.11 of the Traffic Impact Assessment (ED53B) acknowledges the need for further traffic modelling in relation to the highway network at M2 J3, Lord Lees Roundabout and A2045 Walderslade Woods. This carries further relevance to Question 3.45 in view of the worsening congestion forecast to occur on several of the junction arms, as described in paragraphs 5.4.10 – 5.4.15. The County Council maintains the view that the funding and timely delivery of mitigation measures will need to be identified as part of the further assessment work.

To enhance the sustainability credentials of the development, the proposed extension of the Maidstone – Rainham bus service (no. 130) referred to in paragraph 6.3.7 of the Sustainable Transport Strategy (ED53A) would need to incorporate upgrades to its frequency and duration of operation. This reflects the current limitations of the service, which only runs six times per day on a weekday and four times a day on a Saturday.

In summary, whilst the County Council supports the overall development strategy for the Local Plan in that it has been assessed through a strategic transport model, the absence of the required more detailed modelling, the identification of specific mitigations designed to outline stage appropriate to a Local Plan and absence of costings remain a significant concern. This is particularly the case for the proposed Heathlands Garden Settlement. It is recommended that more time is needed for the promoters to produce the necessary highways evidence to enable the County Council to confirm that the plan is sound in the context of the requirements of the National Planning Policy Framework.

Matter 4 Strategic Development Locations

Issue 2: Whether the Invicta Barracks is justified as a strategic development location within the plan period and whether the policy framework at LPRSP5(b) would be effective and consistent with national policy in securing sustainable development?

Q4.18 Is the policy sufficiently clear regarding any on-site education infrastructure?

Education Planning Authority: The County Council confirms that the submitted Written Statement submitted on 25 August 2022⁴ responding to Q4.18, remains valid in respect of education and have not altered in response to any additional information provided to the Examination.

⁴ Kent County Council Written Statement (Ref: 1257414)

Additional Evidence

- Letter from Brett Group (minerals extraction Heathlands) to Inspector Spencer (ED43)
- Heathlands - Refined Minerals Resource Assessment (ED44)
- Further clarification in respect of the above has been provided to the Mineral and Waste Planning Authority in the form of an email from William Cornall, Director of Regeneration and Place dated 10th October 2022.

Minerals and Waste Planning Authority: The County Council, as Minerals and Waste Planning Authority notes that the relevant further submissions in terms of landwon mineral safeguarding are a Letter from Brett Group to Inspector Spencer (ED43) and a Heathlands - Refined Minerals Resource Assessment (ED44). These detail how the permitted reserves at Lenham Quarry and Burleigh Farm will be extracted, enabling Chapel Farm (west) to be worked for minerals prior to other development taking place. Essentially, the case is made in the Letter from Brett Group to Inspector Spencer (ED43) that the minerals (permitted and allocated but not yet permitted) will be able to be extracted without compromising the development phasing of the new garden settlement allocation in the submission Maidstone Local Plan.

Importantly, the Minerals and Waste Planning Authority has been advised by Maidstone Borough Council (Director of Regeneration & Place⁵) that Lenham Quarry and the proposed Chapel Farm quarry are no longer proposed to be backfilled. KCC notes that the submitted Heathlands - Refined Minerals Resource Assessment (ED44) now proposes that any application would need to accord with Kent Minerals and Waste Local Plan Policy DM 19 (Restoration, Aftercare and After-use), and also recommends that a revised restoration scheme remains that of low-level restoration, to minimise the need to import and engineer fill material, therefore supporting a sustainable approach. For Chapel Farm, Maidstone Borough Council recommends low-level restoration to reduce the requirement to import fill materials and to achieve a stable development platform. There are no details of the scale and quantity of any restoration materials and the timings involved - these will need to be of an insignificant volume and provided such that it does not affect the delivery of the dates below.

The County Council has the benefit of more recent Aggregate Monitoring information based on sales and reserves at the operational sites, which demonstrate the following:

- Lenham Quarry - reserves are almost exhausted for all intents and purposes;
- Burleigh Farm (Charing Quarry extension) - based upon current draw down rates, the quarry is expected to be exhausted in 2027;

Chapel Farm (allocation unpermitted) - 3.2mt of potential reserves, anticipated to only come on stream post Burleigh Farm as required by the Mineral Sites Plan, using the same draw down rate as Burleigh Farm, total extraction would occur in 2039. It is therefore a reasonable argument that by 2034, sufficient mineral would have been extracted to enable restored land

⁵The County Council understands that the Director of Regeneration and Place is acting on behalf of MBC as promotor for the Heathlands proposal, as opposed to Local Planning Authority.

to be available for development. Phase 4 of Heathlands is not required until 2040, which is in phase with the total extraction of Chapel Farm's mineral allocation. This is contingent on the site not being backfilled with materials to regain the original land levels, which now appears to be the case from clarification provided by the Borough Council (Cornall 10/10/22), although the final restoration levels are currently unknown and dependent upon detailed design work. The Borough Council has advised that the level of restoration will be governed by many factors, but principally by the elevation of the groundwater table and surface water, as there will be a need to retain an unsaturated zone to enable the construction of drainage, foundations, infrastructure and to mitigate the risk of flooding.

Therefore, it is assumed from the content of the Letter from Brett Group to Inspector Spencer (ED43) that the land at Chapel Farm quarry would be made suitable for development without needing to import significant materials, and that the original top and sub-soils would be available for site remediation post extraction of the mineral reserves.

The phased development timescale quoted above is achievable, provided that the local rates of mineral extraction (circa 300t tn pa) do not substantively reduce and if needed (as implied above), any restoration material imported to the Chapel Farm site are timely and insignificant in volume. Whilst achievable, the degree of flexibility in bringing forward the garden settlement development and the necessary mineral extraction, to ensure mineral safeguarding requirements are met, appears limited. It is noted that the Heathlands - Refined Minerals Resource Assessment (ED44) does not look at varying economic scenarios of increased or decreased mineral extraction rates and any contingencies that may then be required. The document, however, provides a reasonable basis for certainty that mineral safeguarding policy will not be compromised, with the caveat that it is dependent on no significant restoration material importation and that mineral extraction rates to the local market remain consistent in the future (or increases). It would be beneficial to have a greater understanding of the scale of any imports needed for low level restoration at the Chapel Farm site.

- Letter from Natural England: Heathlands - Nutrient Neutrality Assessment and Mitigations Proposals (ED35)

Biodiversity: The County Council recognises that additional evidence has been submitted in relation to the Habitats Regulations Assessment. In particular, the Letter from Natural England: Heathlands – Nutrient Neutrality Assessment and Mitigations Proposals (ED35) has raised a number of comments regarding the proposed mitigation, that need to be addressed. To enable the Habitat Regulations Assessment to be able to conclude that there will be no adverse impacts on the Stodmarsh Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar, there needs to be certainty that the proposed mitigation is achievable.

- Heathlands Nutrient Mitigation Analysis Memo (ED36)

Lead Local Flood Authority: The County Council, as Lead Local Flood Authority, acknowledges the updated Heathlands Nutrient Mitigation Analysis Memo (ED36) provided by Arcadis on behalf of Homes England and Maidstone Borough Council, although the amends which have been made are not clearly identified. It is noted that the calculations for

total wastewater volume are based on a Per Capita Consumption rate of 120 litres per person per day, which is relatively high. KCC would recommend that this is decreased to at least 110 litres per person per day. This would benefit Kent as a water scarce area as well as delivering lower nutrient levels in the borough.

If you require any further information or clarification on any matters raised above, 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

Corporate Director of Growth, Environment and Transport