



**Growth, Environment
& Transport**

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BY EMAIL ONLY

13 November 2023

Dear Sir / Madam,

Re: Maidstone Local Plan Review Main Modifications Consultation following Examination

Thank you for consulting Kent County Council (the County Council) on the Maidstone Local Plan Review Main Modifications Consultation following the Examination. The County Council has reviewed the consultation documents and makes the following representations:

Highways and Transportation

Kent County Council, as Local Highway Authority, welcomes the opportunity to comment on Maidstone Borough Council's proposed main modifications to the Maidstone Local Plan Review.

It is recognised that the main modifications have sought to address many of the transport-related points raised by the County Council during the Stage 2 Hearing sessions and subsequent officer-led discussions.

There are several residual matters however, where it is considered that further alterations to the policy content should be made in the interest of consistency and soundness. These are outlined below.

MM11: Policy LPRSP2

The road corridors now referenced in part (d) (i) of section (3) of Policy LPRSP2 should also include A274 Sutton Road, given that the criteria supporting Policies H1 (27) and H1 (28) specifically require junction and capacity improvements at that location.

MM15: Policy LPRSP4(A) Heathlands

The Borough Council's modified phasing timetable indicates that the north-west access onto the A20 will be delivered in Phase 2. This implies that Phase 1, comprising 1,310 homes and a local centre, will be served via a single point of access, defined as the north-east access onto the A20.

The Kent Design Guide¹ provides Local Planning Authorities with advice on the design parameters associated with different road functions. The highest category road, a Local Distributor Road, is defined as suitable to serve 300 or more homes. A scale of development substantially larger than the 300 homes specified in the Kent Design Guide will ordinarily warrant a second point of access. The County Council therefore requires an amendment to the policy to require the north-west access onto the A20 in addition to the north-east access to be delivered in Phase 1.

This will achieve a higher degree of network resilience commensurate with the scale of development being served directly via the A20. The availability of two accesses onto the A20 will also facilitate a more efficient route for the diversion of bus services through the site, which the policy identifies will take place in Phase 1.

It is of note that the Borough Council's proposed modifications to the phasing timetable in LPRSA4(A) will result in a larger scale of development being delivered ahead of key public transport improvements. The delivery of the rail station and bus diversions are now programmed at 1,310 homes rather than the 629 homes previously indicated in ED59. The bus links to the District Centre and neighbouring villages are also now programmed at 3,758 homes rather than the 2,675 homes specified in ED59.

This represents a significant weakening of the policy and is inconsistent with the emphasis placed on prioritising public transport within paragraphs 110 and 112 of the National Planning Policy Framework. It also reduces the scope for sustainable travel behaviours to be encouraged at the earliest possible stage.

The County Council is unaware of any evidence that justifies a delay to the delivery of these key elements of transport infrastructure. It therefore remains imperative that Policy LPRSA4(A) minimises the number of homes completed in advance of the necessary infrastructure being delivered, as had previously been indicated in ED59.

When viewed alongside the Infrastructure Delivery Plan (IDP) dated June 2023 (ED126), modified policy LPRSA4(A) lacks clarity and consistency in how it refers to bus diversions connecting to Lenham and Charing in Phase 1 and bus links to the District Centre and neighbouring villages in Phase 3. The policy is not fully synchronised with items HTLPR4, HTLPR5 and HTLPR6 of the IDP, which specify how all components of the bus service provision should be delivered within a 2037 timeframe equivalent to Phase 1. These include shuttle bus and school bus services that are not explicitly referred to within the policy.

¹ Kent Design Guide (2005, Kent County Council)

Furthermore, the County Council considers it to be essential that the District Centre is made accessible to new and existing communities by public transport at the earliest opportunity. Modified policy LPRSA4(A) indicates that the District Centre will be completed in Phase 2 and that the bus links serving it will be delivered in Phase 3. This misses the opportunity to enable trips by public transport from the outset.

Policy LPRSA4(A) requires amendment to ensure it is fully aligned with the IDP. It should require the bus diversions and links, including the shuttle and school bus services, to be made available in Phase 1 and require the District Centre to be made accessible by bus in conjunction with its completion in Phase 2.

MM16: Policy PLRSP4(B) Lidsing

The additional paragraphs to be inserted after paragraph 6.77 regarding the Air Quality Mitigation Strategy identify interventions that involve alterations to the road layout and the management of traffic flow on the existing highway network. An amendment is therefore considered necessary to highlight how the Mitigation Strategy should be subject to the approval of Kent County Council as Local Highway Authority, in addition to Maidstone Borough Council and Natural England.

The list of potential mitigations included in the second additional paragraph should also refer to road improvements to encourage use of the strategic highway network as an alternative to minor roads through Bredhurst and Boxley.

In the interest of clarity, section 6 (Transport Connections) part g) of Policy LPRSP4(B) should be modified to outline how the Supplementary Planning Document will include a Transport Assessment that has been prepared in accordance with a scope agreed by Kent County Council and National Highways. It should highlight how the Transport Assessment must identify the required mitigation measures, including how they will be secured and the triggers and timing points for their delivery. This additional content will achieve consistency with that already included in MM15 in respect of LPRSP4(A) on Heathlands.

The bus service serving Boxley and Bredhurst now referenced in section 6 (Transport Connections) part b) ii) of Policy LPRSP4(B) has not been included as an item within the IDP. It is important that the delivery arrangements for the service are identified in the IDP to ensure it is provided at the point it is needed.

Furthermore, the off-site mitigations in Bredhurst and Boxley referred to in Phase 2 of the phasing timetable have not been included as an item within the IDP. It is important that the delivery arrangements for these mitigations are identified in the IDP to ensure that they are provided at the point they are needed.

MM22: Policy LPRSP5(B) Invicta Park Barracks

The modified phasing timetable in Policy LPRSP5(B) indicates that highway mitigations will be completed in Phase 2 of the development. This implies that no highway mitigations will accompany the 500 homes proposed in Phase 1.

The County Council is concerned that the timetable pre-empts the findings of the Transport Assessment that should be prepared in support of the Supplementary Planning Document. This Transport Assessment represents the appropriate means of determining the full scope and timing of all required highway mitigations.

The County Council requires an amendment to Policy LPRSA5(B) to ensure that the requirement for highway mitigations is identified in both Phases 1 and 2 of the phasing timetable, subject to the findings of the Transport Assessment and the Monitor and Manage Strategy. In light of the evidence already available in ED85, the policy should also specify that mitigations will be required on the A249, M2 J3 and M20 J6/J7 in addition to the A229 and Sandling Lane corridors.

MM50: Paragraph 7.79

The additional paragraph to be included after paragraph 7.79 should be amended to confirm how the IDP update will set out an approach to Vision and Validate/Monitor and Manage that has been agreed with the County Council as Local Highway Authority.

MM51: Paragraph 7.82

The Borough Council's modifications have omitted several key junctions on M2 J3 (Blue Bell Hill), M20 J8, M20 J9 and A20 Broadway/Barker Street. These should be referenced as they have already been identified as requiring improvement in support of the planned growth.

MM52: Paragraph 7.83

The additional paragraph to be included after paragraph 7.83 identifies how pooled contributions will be used to deliver transport measures aimed at mitigating cumulative impacts. It is implicit within this approach that contributions would be transferred over to the County Council who, as Local Highway Authority, would then assume responsibility for delivery. This exposes the County Council to the risks of ensuring timely delivery of the mitigation within the available budget.

An amendment to the paragraph is required to highlight how it will be the responsibility of the applicant(s) to fund and deliver any infrastructure that is necessary to support new development. In the case of works on the highway this will be by means of a Section 278 Agreement.

MM56: Policy LPRSP13 Infrastructure Delivery

The Borough Council's modification to section 2) of LPRSP13 should be amended to remove 'where necessary', as Section 278 Agreements will typically form the mechanism used to secure mitigations on the local road network.

Education

Kent County Council, as Local Education Authority, holds a statutory responsibility to ensure there are sufficient school places for residents of Kent. As part of discharging that

responsibility the County Council seeks to work positively and proactively with all Local Planning Authorities within Kent to ensure that Local Plans incorporate sufficient additional education provision where necessary.

It is forecast that the existing number of Year 7 places in the Borough will be insufficient in the future and the County Council is working with schools to establish further places to ensure that every child receives an offer of a school place. The context is such that there is no surplus or 'slack' in secondary education provision and any additional demand for places created through continued housing growth must be mitigated. Without additional provision then any growth within Maidstone Borough is severely constrained. This context was set out to Maidstone Borough Council at Regulation 18 stage of the Local Plan Review within the County Council's response dated 30 September 2019.

The County Council has approached the Maidstone Local Plan Review in the same positive, evidenced and balanced way as all other development plans in the county. However, despite making representations and raising concerns regarding the proposals throughout the process from the first Regulation 18 Consultation onwards, the proposed Local Plan Review, subject to the proposed modifications, does not secure the provision of necessary additional secondary school places.

MM22 LPRSP5(B)

To address matters of effectiveness, the County Council has consistently sought that the Local Plan fully allocates and secures a secondary school site within the Maidstone Town area within policy and ensures that the school site is available when it is needed. The need for the school will be early in the plan period, likely from 2027-2030. The need is strategic and not solely linked to development of the Invicta Barracks; indeed, if the Barracks did not form a proposed housing site in the Local Plan, a new secondary would still be required to mitigate the demand arising from other growth in the Plan.

MBC has proposed a policy for the Barracks site through a main modification which reads:

New Point 13: Provision of an 8 FE all through school (2FE primary and 6FE secondary) on the wider Invicta Barracks site, subject to continuing review of future educational need in Maidstone Borough and an ongoing assessment of other sites in and around the town centre with the scope to accommodate some or all of the educational need.

Insertion of the below:

Identification of land for future educational needs and mechanisms for provision to KCC subject to need being established [by 2027]

New School [by 2037]

The indicative framework diagram below will be used to inform the preparation of the SPD for Invicta Barracks and detailed site masterplanning.



Mechanism and Timing of Delivery

The allocation of a secondary school site should not be subject to a further review. It should be considered an essential piece of infrastructure necessary to ensure growth is sustainable and the Plan should secure a suitable and deliverable site for the school. If the Borough Council holds any doubts that the Invicta Barracks site is not considered to be suitable or capable of delivering a secondary school site at the appropriate time, then an alternative should be secured now. It is not considered appropriate for other sites to be assessed in parallel and the identification and assessment of suitable sites for infrastructure provision should be conducted prior to the Plan's submission and adoption but to the County Council's knowledge no assessment process has been established by the Borough Council and the Borough Council does not intend to undertake such a process. The secondary school may need to be open by 2027, however the policy framework only seeks for a secondary school requirement to be 'established' by 2027 and for a school to open by 2037. This is not sufficient or adequate to meet the projected need for additional school places by 2027/2028.

Physical Barriers to Delivery

The County Council has raised concerns that the size and shape of the land identified for the school would not typically be considered appropriate. The component parts of a school are typically formed of rectangular shaped elements, such as playing pitches or buildings, which cannot be squeezed within irregularly sized or shaped sites. Additionally, the area proposed is not currently bare land or considered to be developable; the below shows an aerial view:



Not only is this area made up of steep gradient changes, but it also has on it existing residential development which would require demolition and has a significantly sized area of mature woodland within it. This places doubt on whether the site could ever be used for a school and if it could, whether significant and expensive remediation work would first be required. The Local Plan policy must require this of a developer, it cannot be a cost falling on the County Council. If this land could be remediated it would take time to do so and conflicts with the need for a new school early within the Plan period. The knock-on effects of the construction of a more expensive secondary school than would ordinarily be required is for the Plan's viability assessment to be altered, as all contributing development will carry a greater cost burden, and this has not been reflected within the Borough Council's Infrastructure Delivery Plan (IDP).

The County Council has raised concerns about the appropriateness of this site on multiple occasions; including when first proposed through the Regulation 19 consultation – to which the County Council provided a response on 10 December 2021. The County Council recognises that the Borough Council has chosen not to select an alternative site and therefore the County Council has proactively commissioned independent advice on what measures would be required for the proposed site to accommodate a school and the potential abnormal costs involved. The conclusion of this advice is that significant remediation costs would be associated with the delivery of a school on this site and the site is unlikely to be able to accommodate a secondary school that conforms with the Government's space guidelines. This independent report has previously been shared with the Borough Council (on 31 May 2023), however its conclusions have not been reflected in the Local Plan. It is appended to this submission (Appendix A) and shows an estimated initial cost of £48-60m compared to the IDP's cost estimate of £36m. The viability of the sites contributing to the County Council's higher cost estimates has not been tested.

The cost of providing the new school wholly relates to growth and a mechanism to ensure proportionate contributions are made by contributing developments must be set out in policy; the proposed Local Plan does not set this out.

Previous Representations

It is important to highlight that the County Council has been consistent in all its representations to the Local Plan Review and in informal discussions with the Borough Council.

The need for two new secondary schools to be established was contained within KCC's response to the Regulation 18(2) consultation, 22nd January 2021.

*The establishment of a new secondary school to support growth at Heathlands will be necessary and a significant amount of work will need to be undertaken to identify how development in and around Maidstone and the Regional Service Centres could be accommodated. **This may include the need for an additional secondary school to be established within the Maidstone urban area.***

It is noted that this consultation set out the Borough Council's preferred spatial strategy for development but did not set out the specific quantum of development, specific locations or timing of occupations. Therefore, the County Council was able to highlight the potential need for new schools at that stage and that further information was necessary to assess when such a need would be required.

The Borough Council did not consult on any more developed proposed plans until the Regulation 19 consultation. This was the first consultation where Invicta Barracks was identified as a location for a potential new secondary school. The County Council highlighted concerns regarding deliverability at this first stage and the County Council's response to that consultation on 10th December 2021 is set out below:

Secondary Education: There are not expected to be any surplus secondary school places in existing schools in the borough to mitigate the increased demand generated by housing growth in the Plan, so it is therefore imperative that the Plan is supported by additional school places.

The spatial distribution of the Plan means that a new secondary school is required at Heathlands. That school 's capacity would be fully absorbed by pupils from the proposed garden settlement, so it is therefore necessary for additional provision to be provided in addition to a new school at Heathlands.

The ability for existing schools to expand sufficiently to accommodate the need from the Plan is minimal and the establishment of a new secondary school to act as a strategic piece of infrastructure is required for the Plan to be sustainable. The County Council views the geographic location of Invicta Barracks to be acceptable in broad terms, however it is concerned with regards to the deliverability of this essential piece of infrastructure. It is currently understood (as of December 2021) that the Barracks is expected to continue as an operational Defence Asset until 2029 and it is reasonable to assume that the earliest point a secondary school could be established on this site is 2031; although that remains within the Plan Period this may not be early enough. Depending on the pace of developments within the Plan, the need for establishment of the school could be prior to 2031.

The wording of: 'Ensuring requisite community facilities, including neighbourhood shopping and health facilities in addition to a new all through-school, are delivered where proven necessary and in conjunction with housing;' does not fully secure a site for the essential secondary school as part of the proposal. The County Council considers it reasonable that, as the establishment of a new secondary school is essential to the sustainability and deliverability of the Plan, a greater level of clarity and intent with regards to this piece of infrastructure is reflected in the Plan.

The current position as presented to the County Council raises concerns that there may be barriers to delivery of this infrastructure, which could undermine the effectiveness of the Plan's infrastructure delivery. The Plan should be flexible to deal with changing circumstances, but there currently does not appear to be flexibility within the Plan for this secondary school to be established at an alternative location.

Previous Agreements

County Council officers agreed via email the wording of a Modification to LPRSP5(B) on 22 November 2022 with Maidstone Borough Council representatives. This modification read:

New Point 13: Provision of an 8 FE all through school (2FE primary and 6FE secondary) on the wider Invicta Barracks site, the opening date of which is anticipated to be early within the development, this timing will be subject to continuing review of future educational need in Maidstone Borough and will be determined and evidenced by Kent County Council.

This wording was agreed by Phillip Coyne on 22 November 2022 19:44. However, County Council officers were informed that this was not submitted to the Inspector by MBC on the 25th November 2022, the final day of the Hearings. It is unknown why Maidstone Borough Council Officers chose not to make the Inspector aware of this agreement. Details of this email chain have been appended to this response (Appendix B)

Need for Additional School Places

The County Council's Commissioning Plan for Education Provision in Kent is a document updated annually outlining the forecast need for additional places within the County and contains detailed information and data relating to school place need. This Commissioning Plan was submitted to the Examination Library (ED101). Additionally, the County Council is required to submit a statutory return to Government with data on pupil projections, known as the School Capacity Survey (SCAP), which goes through review by the Department for Education before it is approved. These data sets evidence the need for future additional school places in Maidstone and have done so throughout the period the Local Plan was developed prior to submission.

During the examination sessions, Maidstone Borough Council stated that the need for additional secondary school places was not evidenced but it is unclear how it reached this conclusion given the wealth of evidence available.

Below is the 10-year forecast for Year 7 places in Maidstone, demonstrating a forecast deficit in places which is sustained.

Planning Group code	Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
886NS11	NS - Maidstone District	1,560	-20	-148	-129	-160	-195	-241	-288	-320	-257	-238	-199	1,530

Maidstone Borough Council commissioned the same consultancy firm that acts for the promoter of the Barracks allocation to produce a note on school place demand in Maidstone. This document titled: *Invicta Park Barracks and Secondary School' produced by EFM Ltd, Second Draft: 27th April 2023'* does not challenge the need for a new school in the timelines outlined by KCC. It is our understanding that this document was not submitted to the Examination Library but has been provided at Appendix C.

The EFM report does highlight that the Barracks location may not be available at the time that a new school is needed. This was highlighted to the Borough Council by the County Council when the Barracks was first proposed as a location for the necessary school site. It was also highlighted by EFM Ltd in their capacity acting for the site promoter. Maidstone Borough Council submitted the Plan for Examination in this knowledge.

At examination, it was stated by representatives of Maidstone Borough Council that Kent County Council's forecasts '*are not certain*'. By definition no forecasts are ever certain; however, the County Council's pupil forecasting remains one of the most accurate in the country. Since 2009, the forecasts for pupil place need in Maidstone have been 99.4% accurate (0.6% under forecast). This is detailed below.

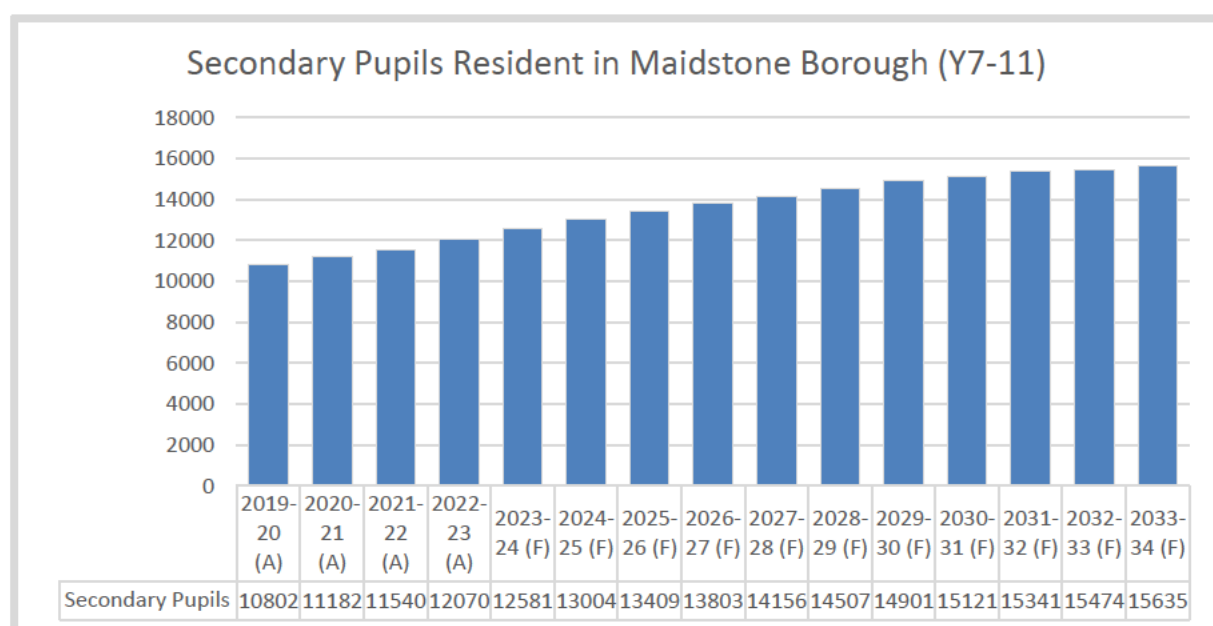
It should also be noted that Ms Noler on behalf of Maidstone Borough Council stated at examination “I don’t know how they [KCC] do their forecasting” and sought to rely on 2018 Office of National Statistics (ONS) projections that do not relate to pupil place planning.

Maidstone														
% accuracy	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Actual roll	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
2009 forecast	100.5	100.2	100.0	99.3	97.8									
2010 forecast		99.7	99.3	98.5	97.3	96.5								
2011 forecast			99.9	98.8	97.3	95.4	95.6							
2012 forecast				99.6	98.1	97.1	96.3	95.6						
2013 forecast					98.6	97.9	97.5	96.8	95.8					
2014 forecast						99.8	99.7	99.7	99.5	100.0				
2015 forecast							100.2	100.7	100.6	101.1	101.4			
2016 forecast								100.6	100.6	101.0	101.4	101.6		
2017 forecast									100.8	101.5	101.7	101.8	101.8	
2018 forecast										100.3	100.7	100.9	100.8	100.5
2019 forecast											100.1	99.9	99.5	99.0
2020 forecast												99.3	98.3	97.3
2021 forecast													99.3	98.7
2022 forecast														101.0

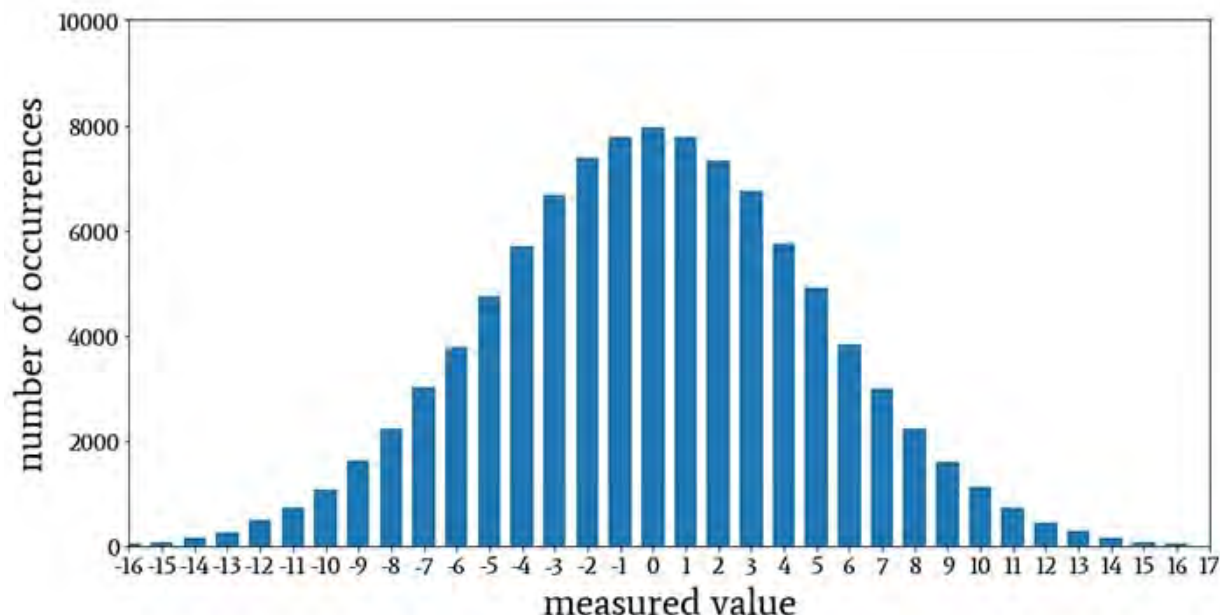
It was also mentioned at examination that the Borough Council viewed the need for school places to be temporary, or a bulge provision. This is incorrect. Bulges in pupil cohorts represent years where there are more pupils than preceding or following cohorts and can be caused by many factors, such as a higher birth rate in one year.

At examination, Ms Thomas KC stated “You’ll also know from Mr Hunter, that there has been this bulge of secondary school pupils coming for quite a long time. It started in the primary system and is working its way through to secondary school, and we know that it’s been coming around 2027/28/29”. However, no representative from the Borough Council or the DIO (which Mr Hunter represents) referenced when pupil numbers were expected to decrease after rising, something necessary for the projections to be described as a ‘bulge’.

Below is the forecast secondary aged population in Maidstone, this shows a steadily increasing number of pupils each year going forward and does not show a bulge:



A bulge would present as a statistical 'normal distribution' such as below, this contrasts dramatically with that shown above:



Example of what a bulge would look like.

The below table shows the pupil product forecast to be generated by the Borough's housing trajectory. This uses the Trajectory from ED121, Appendix 1, of the Main Modifications.

The table shows the number of secondary pupils directly generated by housing development in each year and the cumulative number of pupils from 2021. This shows that over the life of the Local Plan Review Period, a total of 3,934 pupils are expected to arise from the housing proposed, equal to 26 Forms of Entry of provision. The table also shows that by 2027, up to 10FE of provision is expected to be generated by housing. The County Council proposes to manage this through the expansion of existing schools where possible and the essential commissioning of an additional secondary school to serve the Borough. However, this demonstrates that timing is of critical importance. A pupil yield of 0.2 has been used, in line with the County Council's [Developer Contributions Guide](#)

		Housing Trajectory	Expected Secondary School Pupils (Per Year)	Cumulative Secondary School Pupils	Of Which Expected Cumulative Year 7	Cumulative FE (Year 7)
Past Future	2021/22	1,157	231.4	231	46	2
	2022/23	1,000	200	431	86	3
	2023/24	1,000	200	631	126	4

2024/25	1,000	200	831	166	6
2025/26	1,000	200	1031	206	7
2026/27	1,000	200	1231	246	8
2027/28	1,000	200	1431	286	10
2028/29	1,150	230	1661	332	11
2029/30	1,150	230	1891	378	13
2030/31	1,150	230	2121	424	14
2031/32	1,150	230	2351	470	16
2032/33	1,150	230	2581	516	17
2033/34	1,352	270.4	2852	570	19
2034/35	1,352	270.4	3122	624	21
2035/36	1,352	270.4	3393	679	23
2036/37	1,353	270.6	3663	733	24
2037/8	1,353	270.6	3934	787	26

Resulting impact if this matter remains unaddressed

Kent County Council has a statutory duty to ensure a sufficiency of school places under Section 14 of the Education Act 1996. Should the Local Plan Review be adopted in its proposed form then the County Council's ability to meet its statutory duty would be severely diminished and the County Council would be placed at risk of not being able to meet its statutory responsibilities.

Whilst the County Council will endeavour to secure sufficient school places and that those school places required for Maidstone resident children to be located in Maidstone Borough, this cannot be guaranteed due to the proposed policies of the Local Plan Review. A necessary new secondary school could not be established on the timelines it is required due to the policy framework of the Local Plan Review; the new school is wholly necessary as every other opportunity to expand existing schools within the Borough has either been taken or is planned to be taken.

Should the Local Plan Review frustrate the ability for the County Council to create necessary additional school places within the Borough, the result would be that some pupils would likely be allocated surplus places within the areas of the Isle of Sheppey, Folkestone, Deal and Tonbridge and Malling. However, there isn't sufficient forecast surplus capacity across the County to absorb the full deficit and the County Council would be required to commission additional places outside of Maidstone for Maidstone residents. This is absolutely not a situation the County Council would wish to be in. The County Council has and will continue to endeavour to prevent this situation from happening. However, without modification the Local Plan Review may require the County Council to do so as a last resort. This would not represent sustainable growth from an environmental, economic, social or financial perspective and the cost to the taxpayer of providing pupils with transport to schools in excess of 30 miles from their home would (1) represent an unnecessary financial burden on the taxpayer, and (2) may put at risk the performance of other County Council duties.

Heathlands

The development, once fully occupied, would generate a demand for 1,000 secondary school places. This will require the establishment of a new secondary school. There is not expected to be any surplus capacity within existing secondary schools to accommodate these pupils and additional provision will be required to ensure the development is sustainable.

The total development is forecast to generate a pupil need of approximately 7FE; the most suitable strategy for meeting that need has been proposed by the County Council as Local Education Authority as a 1FE expansion of an existing school to establish capacity for the first element of housing, followed by the establishment of a new 6FE secondary school.

The proposed modification currently includes the following:

A new 5 or 6 form entry Secondary School to be provided on site. The timing of delivery of the secondary school will be subject to need, to be agreed in conjunction with Kent County Council.

County Council officers proposed that the error in the size of the school be removed and consistent wording regarding the delivery timescales introduced. The text below was provided to the Borough Council and agreed via email on 22nd November 2022. However, this was not submitted by Maidstone Borough Council to the Inspector. The relevant email chain appended in Appendix B:

A new 6 form of entry Secondary School to be established on site. The timing of delivery and opening of the secondary school will be by the occupation of 700 residential units, such timing to be regularly reviewed by Kent County Council.

The County Council views it essential that the correct size of school is included within Local Plan policy.

1FE of provision through the expansion of an existing school would provide secondary school capacity for approximately 750 dwellings. The Plan should therefore reflect and seek to deliver a framework that would allow the establishment of a new secondary school within the site by this point to ensure sufficiency of education provision for residents. The proposed policy does not do this.

The policy modification states: 'Secondary education provision delivered as necessary' within Phase 2 of the development by 2045 once 3,101 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 470 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.

This approach is not consistent with national policy and would represent unsustainable development. This should be addressed through alteration of the policy to ensure a new secondary school site is integrated and secured within policy and the masterplan for the

development and is available for delivery when it is needed; this has been set out in the County Council's responses to the Borough's consultation process.

Minerals and Waste

MM15: Policy LPRSP4(A) Heathlands Garden Settlement

In respect of 1. Phasing and Delivery paragraph d) – the County Council as Minerals and Waste Planning Authority recommend that reference to the “*Kent Minerals and Waste Plan*” is corrected to [Kent Mineral Sites Plan 2020](#). The County Council notes that this modification aligns with the Statement of Common Ground between Maidstone Borough Council and Kent County Council in respect of Minerals at Chapel Farm (ED65).

Sustainable Urban Drainage Systems (SuDS)

The County Council, as Lead Local Flood Authority, is generally satisfied that the management of surface water has been considered appropriately within the Local Plan Review.

Within Policy H1 (10) South of Sutton Road, Langley it is stated that consultation is required with Southern Water and the Environment Agency in respect of drainage infrastructure – the County Council request that the County Council is also included as Lead Local Flood Authority. For robustness, the County Council recommends the inclusion of a reference to the need for consultation with the Lead Local Flood Authority in all the individual sub-policies to Policy H1.

Heritage Conservation

MM15: Policy LPRSP4(A) Heathlands Garden Settlement

In respect of section 7) Environment, the County Council welcomes the proposed modifications which will help ensure that development proposals are informed by a comprehensive understanding of the heritage of the area.

MM16: Policy LPRSP4(B) Lidsing Garden Community

In respect of section 7) Environment, the County Council welcomes the proposed modifications in respect of heritage as detailed in part c and f.

MM22: Policy LPRSP5(B) Development at Invicta Barracks

The County Council welcomes the consideration of the significance of the military heritage of the area within part 11 of this policy.

MM45: Paragraphs 7.61 - 7.69

In respect of paragraph 7.67, the County Council is concerned that removing this paragraph will reduce the reader's awareness of the archaeological potential of the Woodcut Farm site. The County Council is surprised that this is being recommended as the modifications MM16 and MM22 introduce paragraphs very similar to that being removed here.

MM75: Policy LPRSA265 Land at Abby Gate Farm, South West of Maidstone

In respect of the proposed amendments to the Design and Layout section, the County Council welcomes the modifications proposed within the 8th and 9th bullet point which broadens the definition of the heritage that should be taken account of and the modifications that should help protect the setting of the heritage assets.

MM100: Policy LPRQ&D5 Conversion of Rural Buildings

The County Council welcomes the requirement to take account of the Kent Farmsteads Guidance.

MM105: Policy LPRENV1 Historic Environment

The County Council welcomes the proposed modification within paragraph 1 of this policy.

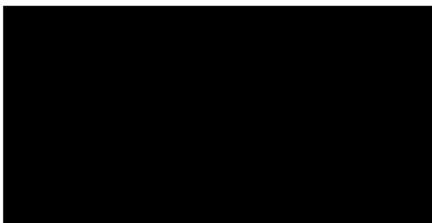
In respect of paragraph 3, the County Council welcomes the proposed modification as this will broaden the scope of any heritage assessment.

In respect of paragraph 4, the County Council welcomes the proposed modification to include non-designated heritage assets.

The County Council will continue to work closely with the Borough Council to help ensure the appropriate delivery of a sound Local Plan. However, there remains several residual matters where it is considered that further alterations to the policy content should be made in the interest of consistency and soundness. The County Council will welcome continued but timely engagement with the Borough Council as Local Planning Authority in addressing 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 faithfully,



Simon Jones
Corporate Director – Growth, Environment and Transport

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Appendix A: Maidstone Barracks Feasibility Report 31.05.23

Appendix B: Email chain between County Council and Borough Council officers relating to proposed modifications to LPR5(b)

Appendix C: Invicta Park Barracks and Secondary School' produced by EFM Ltd, Second Draft: 27th April 2023