

Annex 1 – Proposed Modifications Issued to KCC 22/11/2022

Number	Policy/paragraph	Change proposed		
	LPRSP5(B) Invicta Barracks (1)	Housing completions are anticipated to commence 2027/8, <u>with infrastructure being delivered in accordance with the table below;</u>		
		Phase	Development	Indicative Infrastructure Secured
		1 (From 2027)	<ul style="list-style-type: none"> c500 units 	<ul style="list-style-type: none"> Mechanism agreed for comprehensive redevelopment of the wider Invicta Barracks to deliver 1,300 new homes, <u>Provision of bare serviced and accessed land suitable in size, shape and condition for construction 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.</u> Timescales and phasing for withdrawal confirmed with MoD; Ped/cycle connections to Town Centre Open Space complementary to new homes; Confirmation on re-provision of Hindu Temple; Strategy for re-use of Park House and surrounding parkland/woodland agreed; Biodiversity Plan agreed.

		2 (From 2032)	<ul style="list-style-type: none">• c1,000 total units	<ul style="list-style-type: none">• Central parkland enhancement completed;• A229 Junction improvements completed;• Off-site highway mitigations completed• New Local/ neighbourhood centre established;• Bus diversion into the site;• Open Space complementary to new homes.
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Number	Policy/paragraph	Change proposed		
		3 (By 2037)	<ul style="list-style-type: none"> • Min 1,300 units total • Local Centre • New through school 	<ul style="list-style-type: none"> • Open Space complementary to new homes; • N-S Bus route operational.
	SP5(B) (3)	Ensuring requisite community facilities, which may include neighbourhood shopping and health facilities in addition to a new through school , are delivered where proven necessary and in conjunction with housing;		
	LPRSP5(B) (7)	Preservation of features of ecological importance, including the retention and enhancement of wildlife corridors, and ensuring that connection with ecological features and corridors outside the site is maintained/enhanced, <u>and securing a minimum 20% biodiversity net gain.</u>		
	LPRSP5(B) (9)	Preservation of Park House (Grade II*) and its setting, in particular the parkland to the north and east of Park House to include removal of existing built development at 1-8 (consecutive) The Crescent to enhance/restore the parkland setting; and		
	LPRSP5(B)	New Point <u>11: The SPD should have a focus on celebrating the military heritage and broader history of the site.</u>		
	LPRSP5(B)	New Point <u>12: Retention of a Hindu place of worship within the site will be required</u>		
	SP5(B)	New Point <u>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.</u>		

Annex 2

From: Mark Egerton <MarkEgerton@Maidstone.gov.uk>

Sent: 25 November 2022 14:25

To: Philip Coyne <PhilipCoyne@Maidstone.gov.uk>; Nicholas Abrahams - CY EPA <Nicholas.Abrahams@kent.gov.uk>; Helen Smith <HelenSmith@Maidstone.gov.uk>

Cc: Francesca Potter - GT GC <Francesca.Potter@kent.gov.uk>; Claire Pamberi - GT GC <Claire.Pamberi@kent.gov.uk>

Subject: RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Hello Nick,

Further to Phil's email, following further negotiation with the promoter, we were able to reach a position which is hopefully reasonable for all parties. Please note that the text has been commended to the Inspector and it is for the Inspector to now decide whether it is appropriate to incorporate it (although I see no reason for this to be an issue for him).

The Main Modification submitted as a new point 13 of the Policy remains – "Provision of an 8FE all through school (2FE 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."

In addition, new text has been inserted into Phase 1 within the Policy which states "Identifying the land for future educational needs and mechanism for transfer to KCC subject to need being established".

In addition, we have sought to shore up the position in diagrammatic form by way of an "Indicative Framework Masterplan". This diagram is attached and has now set aside the land for the school as part of the scheme (again, subject to the Inspector's agreement).

As I say, a compromise has been necessary and we accept that there unlikely to be other sites identified but this was a major issue for the MoD, but we very much hope that this will allow us to move forward.

Kind regards

Mark

Mark Egerton

Strategic Planning Manager

Strategic Planning

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ

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From: Philip Coyne <PhilipCoyne@Maidstone.gov.uk>

Sent: 25 November 2022 08:21

To: Nicholas.Abrahams@kent.gov.uk; Helen Smith <HelenSmith@Maidstone.gov.uk>

Cc: Mark Egerton <MarkEgerton@Maidstone.gov.uk>; Francesca.Potter@kent.gov.uk;

Claire.Pamberi@kent.gov.uk

Subject: RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Nick, thank you. We dealt with Invicta yesterday morning, so in the absence of confirmation, had to agree some words with the promoter and second guess what the Inspector would go with. We have also agreed with them that the school site is now in phase 1.

I do not have the final text on my laptop, Mark will forward this morning, but it is consistent with what we shared below, and the promoter is now in agreement and clear on the arrangement.

In order to provide KCC with additional certainty, we agreed with the promoter and jointly recommended to the Inspector, that in addition to the school site being included in phase 1, the key diagram, which sets out the land uses, will be added to the policy – so the land area will then be set in policy.

Mark will forward the text as said above and I would be grateful if you can confirm that you are happy with it. If not, I have a copies of the SoCG with Education removed and included in a separate one, as we really need the generic document signed now so that we can provide to the Inspector, and this issue has held it up all week – but obviously it is much easier if we can just have one.

I have tried to phone you several times, but if you wish to discuss, I will be on my mobile – [REDACTED]. I am in hearings this morning, but will get you back asap if I miss a call.

Regards.

Phil.

From: Nicholas.Abrahams@kent.gov.uk <Nicholas.Abrahams@kent.gov.uk>
Sent: 24 November 2022 14:36
To: Philip Coyne <PhilipCoyne@Maidstone.gov.uk>; Helen Smith <HelenSmith@Maidstone.gov.uk>
Cc: Mark Egerton <MarkEgerton@Maidstone.gov.uk>; Francesca.Potter@kent.gov.uk;
Claire.Pamberi@kent.gov.uk
Subject: RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Hi Phil

This is fine, we just need to incorporate the bullet below into this one so it's all still there and to make clear it's the land for the school that the development is responsible for and not the school's construction as outlined as one of the promoter's concerns last week, have done that in the attached.

Thanks,

Nick

NICK ABRAHAMS | Area Education Officer - West Kent | Kent County Council | Sessions House, County Hall, Maidstone ME14 1XQ | External: 03000410058 | [REDACTED] | nicholas.abrahams@kent.gov.uk | www.kent.gov.uk

PA: Emma O'Connor | External: 03000417147 | Emma.O'Connor@kent.gov.uk

From: Philip Coyne <PhilipCoyne@Maidstone.gov.uk>
Sent: 22 November 2022 19:44
To: Nicholas Abrahams - CY EPA <Nicholas.Abrahams@kent.gov.uk>; Helen Smith <HelenSmith@Maidstone.gov.uk>
Cc: Mark Egerton <MarkEgerton@Maidstone.gov.uk>; Francesca Potter - GT GC <Francesca.Potter@kent.gov.uk>; Claire Pamberi - GT GC <Claire.Pamberi@kent.gov.uk>
Subject: RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Hi Nick,

Have duplicated point 13 into phase 1 as requested, per attached. Can you confirm you are happy with this please as this is obviously getting urgent now and we need to sign the SoCG.

Kind regards

Phil

From: Nicholas.Abrahams@kent.gov.uk <Nicholas.Abrahams@kent.gov.uk>

Sent: 22 November 2022 17:09

To: Philip Coyne <PhilipCoyne@Maidstone.gov.uk>; Helen Smith <HelenSmith@Maidstone.gov.uk>

Cc: Mark Egerton <MarkEgerton@Maidstone.gov.uk>; Francesca.Potter@kent.gov.uk;
Claire.Pamberi@kent.gov.uk

Subject: RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Hi Phil

Policy LPRSP5(B) has never been agreed by KCC with regards to Education, the words in italics below from my email this morning were our representations regarding it from December 2021, these raised strong concerns, these also included “*At present, KCC also raises concern that some of the proposed policies are not adequately robust to ensure the deliverability of the necessary infrastructure and mitigation measures.*”. KCC’s statements regarding the proposed mods have also been consistent with this.

In the Word doc from the original email in this chain outlining the proposed mods, the alterations and comments regarding New Point 13 have been accepted by MBC. Following our discussion last week we made those changes to provide clarity that there could be flexibility in the timing of the school’s delivery (albeit it should be planned for an early delivery) but not that there is any flexibility in whether a school is needed or not. New Point 13 as sent to us in yesterday’s 11:06 email reads:

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.

As this has been accepted by MBC it’s unclear why the wording within the table cannot be consistent with this through the insertion of the word *timing*, as they both form part of proposed policy LPRSP5(B) Invicta Barracks, this would then read:

*Mechanism agreed for comprehensive redevelopment of the wider Invicta Barracks to deliver 1,300 new homes, including identification of land within the site masterplan for establishment of new all-through school, **timing** subject to confirmation of need.*

This approach would also be consistent with the policy wording for the secondary school at Lenham, which reads:

Secondary school delivery and opening by 700 residential units, subject to ongoing review of timing by Kent County Council

KCC isn't aware of any other options for this essential piece of infrastructure to be delivered on, we raised that as a concern in August when the main mod for New Point 13 read:

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.

The KCC statement was:

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 doubt 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; the identification and assessment of suitable sites for infrastructure provision should be conducted prior to the Plan's submission and adoption and to the County Council's knowledge no assessment process has been established by the Borough Council.

A new school is so essential to the sustainability of the Plan that it would be unreasonable for KCC to not seek to secure one. Is there a reason why MBC is seeking for the principle that a new school is needed to be reconfirmed at a later date? (albeit the accepted New Point 13 is contradictory to the proposed *subject to confirmation* in the table within the same policy). If that is for some reason essential then KCC could agree to a policy with future reconfirmation only if the mechanism and terms of that confirmation were appropriately set out in a way that removes the risk of the school site not being available when it is needed.

Thanks,

Nick

NICK ABRAHAMS | Area Education Officer - West Kent | 03000410058 | 07967467106 | nicholas.abrahams@kent.gov.uk |

From: Philip Coyne <PhilipCoyne@Maidstone.gov.uk>

Sent: 22 November 2022 09:57

To: Nicholas Abrahams - CY EPA <Nicholas.Abrahams@kent.gov.uk>; Helen Smith <HelenSmith@Maidstone.gov.uk>

Cc: Mark Egerton <MarkEgerton@Maidstone.gov.uk>; Francesca Potter - GT GC <Francesca.Potter@kent.gov.uk>; Claire Pamberi - GT GC <Claire.Pamberi@kent.gov.uk>

Subject: RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Nick, we agreed a policy at submission. We could argue that the position at submission prevails but have not.

We are back in hearings today, so limited time.

What if we simply say that the need will be re-confirmed by the education authority as part of the process around identification and transfer of a site.

If we lose the Annington site we will have no school site in any event, unless you are aware of other options?

Happy to speak at lunchtime.

Phil.

From: Nicholas.Abrahams@kent.gov.uk <Nicholas.Abrahams@kent.gov.uk>

Sent: 22 November 2022 09:50

To: Philip Coyne <PhilipCoyne@Maidstone.gov.uk>; Helen Smith <HelenSmith@Maidstone.gov.uk>

Cc: Mark Egerton <MarkEgerton@Maidstone.gov.uk>; Francesca.Potter@kent.gov.uk; Claire.Pamberi@kent.gov.uk

Subject: RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Hi Phil

I appreciate the dynamics between the LPA and an individual site promoter but this issue is fundamental to the sustainability of the whole Plan; it's critical that a new secondary school can be established to underpin the Plan. There will not be any capacity for additional secondary pupils arising from the plan without it; additional provision is currently being commissioned to meet a deficit in places from the existing population which is quite challenging to do. It's the largest forecast deficit in the county.

Secondary - Year 7 Surplus/Deficit Capacity if No Further Action is Taken

Planning Group name	2021-22 capacity	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)
Maidstone Non-Selective	1,560	-180	-135	-177	-194	-248	-250	-351

I appreciate the logic that having it subject to a future declaration of continuing need means in theory there shouldn't be an issue if there is a need, however that signals that there is a potential a new school may not be needed; whilst timings may alter, the scale of growth proposed means that KCC has been very clear that it will be needed and should be planned for. MBC can assign as much or as little weight to the views of the Local Education Authority as it deems appropriate but KCC cannot agree to wording that undermines its own analysis of a statutory function and secures less than we have been stating is required for over a year.

If the policy were to include a requirement for need to be confirmed it isn't clear which body would determine whether any confirmation was sufficient, valid and on what basis. The wording we're referring to is in the policy for an individual site allocation, in the context of that allocation alone a new secondary school is not required and the timing of a new secondary school will only be partly influenced by the build out of the barracks site. At what point does confirmation need to be confirmed if not now and who arbitrates if there is disagreement or protracted discussions, these would risk the sustainability of the plan. The promoters of the Barracks have made clear throughout that they are resistant to providing a school site; they engaged an education consultant who didn't disagree with KCC's analysis but questioned whether the barracks was the best site for the school given the need for it was likely to be before the site was available; their objection is a commercial one rather than planning. The statement of common ground between MBC and DIO states that DIO's outstanding matters include:

a) Quantum of educational need and provision generated by the proposed circa 1,300 new homes, the proposed location of the education facility within the site and the requirement for a suitably flexible site allocation policy wording.

There haven't been any changes in KCC's position since submission. It has been entirely consistent about the importance of a secondary school to sustainable growth and the necessity for the school site to be appropriately secured in policy, below is from KCC's Reg 19 response in 2021:

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 establishment of a new secondary school to support growth at Heathlands will be necessary, as well as the establishment of a new secondary school within the Maidstone area. It is noted that

the Infrastructure Delivery Plan (IDP) supports this at Invicta Barracks, although the wording of Policy LPRSP5(B) is not definitive regarding the need for a school (see comments below on policy

LPRSP5(B)). The County Council holds concern that, without security that the site for establishment of this school is available at the time that it is needed, there could be insufficient school places

for secondary aged children in the borough.

Thanks,

Nick

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PA: Emma O'Connor | External: 03000417147 | Emma.O'Connor@kent.gov.uk

From: Philip Coyne <PhilipCoyne@Maidstone.gov.uk>

Sent: 21 November 2022 15:01

To: Nicholas Abrahams - CY EPA <Nicholas.Abrahams@kent.gov.uk>; Helen Smith <HelenSmith@Maidstone.gov.uk>

Cc: Mark Egerton <MarkEgerton@Maidstone.gov.uk>; Francesca Potter - GT GC <Francesca.Potter@kent.gov.uk>; Claire Pamberi - GT GC <Claire.Pamberi@kent.gov.uk>

Subject: RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Nick, I hope you would agree that we have been fairly accommodating in respect of these significant changes in position since submission. We also discussed the need to keep the site promoters on side when we met on Friday, and the **very real** possibility that the DIO could actually choose to drop the Annington site and just promote their own site (they have talked about this on a number of occasions).

We are already going to need difficult conversations with them in relation to the changes to the policy, which they do not really support, and not to leave it subject to confirmation will exacerbate this. There is then a very big chance we throw the proverbial baby out along with its bath water – what about if we say ‘re-confirmation’.

If the numbers are there then surely this is not an issue?

Phil.

From: Nicholas.Abrahams@kent.gov.uk <Nicholas.Abrahams@kent.gov.uk>
Sent: 21 November 2022 14:08
To: Helen Smith <HelenSmith@Maidstone.gov.uk>
Cc: Philip Coyne <PhilipCoyne@Maidstone.gov.uk>; Mark Egerton <MarkEgerton@Maidstone.gov.uk>; Francesca.Potter@kent.gov.uk; Claire.Pamberi@kent.gov.uk
Subject: RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Hi Helen

Am I correct in saying the only amendment MBC has made to this version is introduction of '*subject to confirmation of need.*' ?

KCC cannot support this. The need for a new school has been confirmed, it should be viewed as an essential piece of strategic infrastructure needed to support the Local Plan, the need is almost entirely independent of the Invicta Barracks site, the only thing that is subject to any variation would be the appropriate timing rather than the principle.

Thanks,

Nick

NICK ABRAHAMS | Area Education Officer - West Kent | Kent County Council | Sessions House, County Hall, Maidstone ME14 1XQ | External: 03000410058 [REDACTED] | nicholas.abrahams@kent.gov.uk | www.kent.gov.uk

PA: Emma O'Connor | External: 03000417147 | Emma.O'Connor@kent.gov.uk

From: Helen Smith <HelenSmith@Maidstone.gov.uk>
Sent: 21 November 2022 11:06
To: Nicholas Abrahams - CY EPA <Nicholas.Abrahams@kent.gov.uk>
Cc: Philip Coyne <PhilipCoyne@Maidstone.gov.uk>; Mark Egerton <MarkEgerton@Maidstone.gov.uk>
Subject: Proposed modifications - LPRSP5(b) - Invicta Barracks

Dear All,

Ahead of the hearing session later this week, please find attached the proposed modifications to the wording of LPR policy LPRSP5(B) – Invicta Barracks, regarding the provision of land for educational purposes.

Kind regards,

Helen

Helen Smith

Principal Planner (Strategic Planning)

Maidstone Borough Council, King Street, Maidstone, Kent ME15 6JQ

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