



## **Growth, Environment & Transport**

Louise St John Howe  
Programme Officer [Maidstone Borough  
Council Local Plan Review]  
PO Services  
PO Box 10965,  
Sudbury,  
Suffolk CO10 3BF

Invicta House  
MAIDSTONE  
Kent ME14 1XQ

Phone: 03000 411683  
Ask for: Simon Jones  
Email: [Simon.Jones@kent.gov.uk](mailto:Simon.Jones@kent.gov.uk)

**BY EMAIL ONLY**

14 February 2024

Dear Louise

### **Re: Inspector's Consultation on Technical Documents 2024**

Thank you for consulting Kent County Council (the County Council) on the Maidstone Borough Council Technical Documents in respect of the Local Plan Review which include:

- An update to the Infrastructure Delivery Plan (ED126)
- An Addendum to the Integrated Transport Strategy (ED127)
- An Addendum to the Viability Assessment for the Local Plan (ED128).
- Additional Transport Assessment – M2 Junction 3 (ED135)

The County Council provides commentary only on the documents referenced above, under this current consultation and no other material prepared by the Borough Council.

The County Council has provided commentary in respect of its role as Local Highway Authority, Local Education Authority, Minerals and Waste Planning Authority and Lead Local Flood Authority.

For the reasons set out in greater detail below, the County Council, as Local Highway Authority, regards the inclusion of the A229 Blue Bell Hill Improvement Scheme within the Borough Council's Infrastructure Delivery Plan (ED126) to be essential. The County Council does not regard the proposals for M2 J3, as presented in the Transport Assessment (ED135), to provide a suitable means of mitigating the impacts of the Local Plan Review. The Local Plan Review must ensure that the impacts of planned growth in Maidstone Borough are mitigated through a requirement to provide funding towards the completion of the Outline Business Case (OBC) that is necessary to facilitate delivery of the A229 Blue Bell Hill

Improvement Scheme. This approach offers the best prospect of achieving transport infrastructure that will meet the wider needs of Kent.

The 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. The County Council has made representations and raised concerns regarding the proposals throughout the process from the first Regulation 18 Consultation onwards. The Local Education Authority considers that the proposed Local Plan Review, (subject to the proposed modifications), and in consideration of the latest Technical Documents currently subject to consultation, the Local Plan Review still does not secure the provision of necessary additional secondary school places and the concerns of the County Council remain unresolved.

The County Council would continue to welcome further but timely engagement and will continue to work with the Borough Council to help deliver a sound Local Plan and ensure that the communities across Maidstone will be served by the appropriate infrastructure and services.

Please find our detailed comments on each document below.

### **An update to the Infrastructure Delivery Plan (ED126)**

#### Highways and Transportation:

The County Council, as Local Highway Authority, refers to commentary in relation to ED135 within the response to the Main Modifications consultation, submitted on 13 November 2023 in respect of the Infrastructure Delivery Plan (Appendix A)

*Policy LPRSP13 – Infrastructure Delivery (Paragraph 1.23)*

#### Public Rights of Way (PRoW):

The County Council is disappointed that there continues to be limited reference to sustainable transport opportunities, including walking and cycling. The County Council notes that HLTLP11 makes reference to “*Contribution towards the improvement of offsite Public Rights of Way*” in respect of Heathlands Garden Settlement. The County Council is concerned that the same commitment in respect of Lidsing Garden Community appears to have been omitted and this should be rectified to ensure the delivery of improvements to the wider PRoW network.

#### Development Investment:

The County Council is concerned that Education remains at position 4 in the list of prioritised infrastructure, drawing attention to prior commentary raised, for example, as part of the County Council Regulation 19 consultation response dated 10 December 2021. The County Council considers that Education infrastructure should have considerable priority given its vital

importance to sustain communities and need for it to be appropriately funded to support its suitable provision. The prioritisation should be amended accordingly.

*Developer Contributions- Infrastructure Funding (Paragraphs 1.38 and 1.45)*

Development Investment:

The County Council has been engaged with the Borough Council since October 2023 on the matter of the Community Infrastructure Levy (CIL). There is growing realisation and evidence that education infrastructure will never be appropriately funded by CIL receipts. A recent report prepared by County Council officers and presented at the County Council Growth, Economic Development and Communities Cabinet Committee (Appendix B) demonstrates the gap between what is collected and what is required to deliver the infrastructure required to support sustainable growth, especially with regards to education infrastructure where the County Council has not been able to secure any contributions towards education following bids to the Community infrastructure Levy. Paragraphs 2.17 to 2.20 of the Appendix relate specifically to Maidstone's CIL, and shows that the County Council has only been successful in one of its bids. In addition to this, the 2022 Infrastructure Funding Statement (IFS) statement shows a retained CIL pot of £3,173,699 with nothing secured for education following bids to this fund. Paragraph 3.2 of Appendix B advised that a typical cost for a 2FE school is £10 million so together this illustrates the disparity. Education contributions outside of the Community Infrastructure Levy regime are therefore currently being explored by Borough and County Officers, to ensure that this essential infrastructure has the appropriate funding.

The County Council recommends that the wording of paragraph 1.38 is strengthened accordingly "*Developer contributions towards education infrastructure provision in Maidstone borough are primarily secured via Section 106 agreements (Planning Obligations) attached to planning permissions*"

*Section B – Infrastructure Position Statement – Primary*

Development Investment:

The County Council, as Local Education Authority, requests that the first bullet within the 'Main sources of information' section is updated to reflect the new Commissioning Plan - **Commissioning Plan for Education in Kent 2024-2028**. The new Commissioning Plan is provided in Appendix C.

The second bullet should be updated also to reflect the latest Commissioning Plan:

*"New guidance is ~~expected to be published by DfE in Autumn 2021~~ ~~estimating~~ **was published by DfE in August 2023 that estimates** pupil yield from new housing development along with data at Local Authority level. Additionally guidance documents for Local Authorities on securing developer contributions for education and also on education provision in garden communities ~~will be updated in 2021 by DfE~~. **was updated in August 2023 by DfE**"*

In relation to the 'Future requirements' section of the table, the County Council recommends the following amendments in light of the publication of the latest Commissioning Plan:

~~“The birth rate in Maidstone dropped **sharply in 2019 and 2020**, in line with the County and National trend. to 6.6 points lower than the previous year. The number of recorded births in the Borough also fell, with 56 births fewer than 2018. However this increased in 2021. KCG forecast sufficient primary school places across the Borough throughout the Plan period to 2031. However, there is pressure for places forecast within Maidstone Rural South East, Maidstone West, Lenham and Harrietsham, Marden and Staplehurst and Coxheath Planning Groups.. This town centre pressure will be mitigated via places available in the Maidstone North planning group with the September 2020 opening of the new 2FE Bearsted Primary Academy Free School. **However, the birth rates and the number of births increased significantly in 2021 before dropping back marginally in 2022. The County Council forecasts sufficient primary school places across the Borough throughout the Kent Education Commissioning Plan period. However, there is pressure for places forecast within Coxheath, Marden & Staplehurst and Maidstone Rural South East Planning Groups.**~~

**There continues to be anticipated additional pressure from permitted developments across the town centre area of Maidstone<sup>1</sup>. There are numerous projects scheduled and on-going to convert retail and office spaces into new residential dwellings under permitted development. This will potentially increase the demand for primary places across the Maidstone town centre area in excess of that indicated in the forecasts and has placed in-year pressure on schools as school-aged children move to the town”**

With regards to the ‘Funding sources’ section, the County Council would recommend removal of the following as it does not appear to be relevant in this section:

~~“For places needed by September 2022 Kent has received £23.6m. To put this into context, this would barely fund one 6FE secondary school”.~~

#### Section B – Infrastructure Position Statement – Secondary

Development Investment: The County Council, as Local Education Authority, requests that the first bullet within the ‘Main sources of information’ section is updated to reflect the new Commissioning Plan - **Commissioning Plan for Education in Kent 2024-2028.**

The second bullet should be updated also to reflect latest guidance:

~~“New guidance is expected to be published by DfE in Autumn 2021 estimating **was published by DfE in August 2023 that estimates** pupil yield from new housing development along with data at Local Authority level. Additionally guidance documents for Local Authorities on securing developer contributions for education and also on education provision in garden communities will be updated in 2021 by DfE. **was updated in August 2023 by DfE”**~~

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<sup>1</sup> “At 1st April 2020, a total of 1,344 dwellings had been consented through prior notification within the town centre since the PD rights came into effect in 2013” (LPR 1.1)

The County Council would also recommend the following amendments to the 'Existing provision' section. These have been calculated from the schools in the relevant non-selective planning group from a typical education assessment document:

*“Non-selective*

*There are eight schools in the Maidstone non-selective planning group ..... Their combined capacity (Year 7 to 11) in 2019/20 was 6,990 places **2022/23 was 7,440 places.**”*

*Selective*

*There are four schools in the Maidstone selective planning group ..... Their combined capacity (Year 7 to 11) in 2019/20 was 3,785 places. **2022/23 was 3,925 places.**”*

With regards to the 'Future requirements' section, the County Council would recommend the following amendments following the publication of the revised Commissioning Plan for Education Provision, which is considering provision between 2024-2028:

*“The birth rate in Maidstone dropped significantly in 2019 **sharply in 2019 and 2020**, in line with the County and National trend to 6.6 points lower than the previous year. The number of recorded births in the Borough also fell, with 56 births fewer than 2018. However, the birth rate increased in 2021. KCC forecast a pressure for places in both the non-selective and selective sectors over the plan period to 2031. **However, the birth rates and the number of births increased significantly in 2021 before dropping back marginally in 2022. The County Council forecasts a pressure for places in both the non-selective and selective sectors over the Plan period to 2033.**”*

*Non-selective*

*The planning group is in deficit throughout the Plan period. with initial fluctuation between a 180 place deficit in 2023-24, that drops to 135 in 2024-25 before returning to circa 6 FE. The longer term forecast suggests that the deficit will increase as the Plan period progresses.” **There is an initial fluctuation between a 148 place deficit in 2023-24, that drops to 129 in 2024-25 and then the deficit gradually increases to a high of 320 places (greater than 10 FE) in 2029-30. After 2029-30, the longer-term forecast suggests that the deficit will decrease towards the end of the Plan period to 199 places in 2032-33.***

**In recent years, schools within this planning group have admitted over published admission number (PAN), creating additional capacity. The County Council anticipates this pattern to continue and will accommodate some of the forecast deficit. However, up to 90 temporary places via bulge provision within the existing Secondary schools will be needed to meet the demand for places during the initial years.**

**In the medium term, it will be necessary to commission up to 3 FE of permanent provision from 2025-26 in existing Secondary schools to meet the ongoing demand within the planning group. In the longer term (for the period of the Commissioning Plan for Education in Kent 2024-2028) the County Council anticipates the need for the establishment of a new secondary school from 2027 and will seek to work with partners,**

**including the DfE, to identify an appropriate location within the Borough over the coming year.**

Selective

~~The forecasts for the planning group indicate that there will be a deficit of Year 7 places from 2023-24 and through the Plan period. To meet the demand for Year 7 places we have commissioned a 1 FE expansion of Maidstone Grammar School for Girls school from September 2023-24. In the longer term it may be necessary to expand an existing school by 1 FE. This will be dependent on the pace and scale of housing development.~~ **From 2027-28 there is a fluctuating deficit of around a 1 FE forecast through to almost the end of Plan period. Therefore, in the longer term, it may be necessary to expand an existing school by 1 FE. This will be dependent on the pace and scale of housing development.”**

The County Council also recognises the proposals for new education provision at Heathlands Garden Settlement and would draw attention to commentary raised in its response to the Main Modifications consultation dated 13 November 2023 (Appendix A)

With regards to the final paragraph ‘General’, the County Council draws attention to commentary raised throughout the Examination in respect of the proposals for a secondary school at Invicta Barracks.

With regards to the ‘Funding sources’ section, the County Council would recommend the following paragraphs are also included within this section:

**The DfE Free Schools Programme is another way to deliver some of the school provision which Kent needs. The County Council has encouraged promoters to submit bids to Waves 13 and 14, with some success, but this programme is not a significant contributor to places overall and does have financial risks.**

**The County Council also secures developer contributions to the capital programme. The budget gap between what is needed for the County Council to meet its statutory duties as school place commissioner and what is available is significant. All avenues are being explored to reduce the risks, but inevitably difficult decisions will have to be made to prioritise the County Council’s investment of the capital budget. The cost of construction has risen considerably since 2020 and is likely to continue during the Education Plan period. The County Council continues to manage and mitigate this as far as possible, however, pressure from inflation may become a constraint to the County commissioning strategy.**

In consideration of the ‘Key issues’, the County Council would also recommend consideration of the fact that the free school programme has become more restrictive, being targeted to certain geographical areas of the country in relation to mainstream schools, and to a limited number for special schools and alternative provisions. As such, it will not be the resolution.

## Education:

The County Council draws attention that matters repeatedly raised throughout the Local Plan process from the first Regulation 18 Consultation, Regulation 19 and as part of submissions to the examination in respect of education remain unaddressed and unresolved. 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. Within the latest response to the Main Modifications consultation dated 13 November 2023 (Appendix A), the County Council, as Local Education Authority, was not satisfied that the Local Plan secures the provision of necessary additional secondary school places.

The County Council would also like to draw attention to the commentary from the County Council's response (Appendix A) raised in respect of the cost and timing of the new school as currently presented for Invicta Barracks within the IDP, this has been reproduced below for reference:

### *“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 response to the Main Modifications also sets out the resulting impact if this matter continues to be unresolved – i.e. that it would “*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.*”

Commentary raised in Appendix A in respect of Heathlands Garden Settlement should also appropriately be considered and reflected within the IDP.

### *Section C – Infrastructure Delivery Schedule*

The County Council as Local Education Authority requests that the IDP is consistent in its reference to the need for 1FE expansion at Lenham Primary School.

In respect of the ‘Delivery Schedule – all schemes’, the Local Education Authority raises the following commentary:

- *EDLPR4 (Service Area – Primary Education; Geographic location – Larger Villages):* The ‘Delivery Timescale’ should be amended to **2025-2030**. It could also be noted that this capacity is likely to be delivered within Coxheath.
- *EDM4 (Service Area – Primary Education; Geographic location – Maidstone Urban Area):* The ‘Delivery Timescale’ should be amended to be **post 2028**. Furthermore, the ‘Estimated cost (if known)’ should be amended to **£10.5m** to reflect the latest estimations.
- *EDR1 (Service Area – Secondary Education; Geographic location – Maidstone Urban Area):* The ‘Estimated cost (if known)’ should be amended to **£5.4m** to reflect the latest estimations.
- *EDR3 (Service Area – Primary Education; Geographic location – Marden):* The ‘Delivery Timescale’ should be amended to be **2025-2030**. Furthermore, the ‘Estimated cost (if known)’ should be amended to **£3.6m** to reflect the latest estimations.

### Waste Management:

The County Council, as Waste Disposal Authority, recommends that the IDP is updated to reflect that the Allington Household Waste and Recycling Centre (HWRC) is now open. This update was shared with Maidstone Borough Council officers via email on 30 October 2023.

### Sustainable Urban Drainage Systems:

The County Council refers to commentary within its response to the Main Modifications consultation dated 13 November 2023 (Appendix A).

### **An Addendum to the Integrated Transport Strategy (ED127)**

#### **PRoW:**

The County Council would recommend that this strategy should include consideration of the need to ensure contributions for offsite PRoW network improvements given that the network will be directly impacted by the development.

### **An Addendum to the Viability Assessment for the Local Plan (ED128)**

#### **Minerals and Waste:**

As the Minerals and Waste Planning Authority, the main observation relates to the Heathlands Garden Settlement. Land-won minerals safeguarding has been a significant consideration in relation to this site and the matter has been the subject of discussions between the County Council, as Minerals and Waste Planning Authority, and Maidstone Borough Council. This includes the County Council's Regulation 18 representations (as summarised as part of the Consultation Statement (LPRR1.61)) and the concluding of a Statement of Common Ground (ED65) to ensure that the anticipated phased development of this strategic site will not adversely impact on the supply of aggregates (soft sand). This is particularly important due to the allocated site of 3.2mt of soft sand at Chapel Farm in the adopted Kent Minerals Sites Plan 2020. The Chapel Farm site also forms part of the proposed Heathlands Garden Settlement. The submitted Addendum to the Viability Assessment for the Local Plan (ED128) document does not reference the mineral safeguarding implications. The County Council would ask that this matter and the Statement of Common Ground (SoCG) (ED65) is recognised and appropriate attention granted.

There are other areas where there may be variable degrees of viability of affected safeguarded mineral deposits. However, these are of a lower order of magnitude to the Chapel Farm consideration and in all probability, do not affect the proposed settlements development viability to such a great extent. As such, the County Council is content that these matters can be left to the detailed planning application stage to address via Mineral Assessments that can be considered against the exemption criteria of Kent Minerals and Waste Local Plan 2020 Policy DM 7: Safeguarding Mineral Resources, in the development management process.

### **Additional Transport Assessment – M2 Junction 3 (ED135)**

#### **Highways and Transportation:**

The County Council, as Local Highway Authority, welcomes the opportunity to respond to the Inspector's additional consultation on the Maidstone Local Plan Review.

The County Council, as Local Highway Authority, has reviewed the Transport Assessment regarding M2 Junction 3 (ED135) and makes the following representations:

Junction 3 of the M2 (M2 J3) performs a critical role on both the strategic and local road networks in how it functions as an interchange between the M2 motorway, managed by

National Highways, and the A229, managed by the County Council. The circulatory of the M2 J3, including the traffic signals, is managed by the County Council.

The junction takes the form of a four-arm traffic signal-controlled roundabout (Taddington Roundabout), which connects the M2 on/off slip roads with the A229 and A2045. It is positioned within 300 metres of another traffic-signal controlled roundabout to the west (Lord Lees Roundabout), which provides access to the on/off slip roads associated with the A229 dual carriageway. The section of the A229 linking the two roundabouts also provides access to Blue Bell Hill village. High volumes of traffic on this part of the network are frequently known to result in congestion, with attendant issues of poor air quality and a high collision rate.

The traffic modelling evidence previously submitted in support of the Local Plan Review has identified how Maidstone Borough Council's planned pattern of growth will increase traffic flows at this location, with the conclusions of the Transport Extended Forecast Modelling Report (LPR 5.2) and sections 2.2/3.2 of the Corridor Assessment (ED85) making specific reference to the M2 and A229 corridors. It is therefore imperative that timely and effective mitigation in support of the Local Plan Review is delivered to ensure conditions for road users are not worsened.

The County Council welcomes Maidstone Borough Council's inclusion of M2 J3 and the section of the A229 connecting M2 J3 with M20 J6 as Items HTLPRJ3 and HTLPRJ4 within the Infrastructure Delivery Plan (ED126). Their inclusion helpfully confirms the Borough Council's intention that improvements to this part of the network will be funded and delivered to mitigate the impacts of the Local Plan Review.

It is noted that the Infrastructure Delivery Plan (ED126) affords both items a critical priority rating. The critical rating is understood to mean that this infrastructure must be provided to enable physical development to occur. A failure to provide the infrastructure could result in delays to the delivery of development.

The Infrastructure Delivery Plan (ED126) also acknowledges how outline work on proposed improvements has been undertaken by the County Council and is currently being progressed further. This work relates to the County Council's A229 Blue Bell Hill Improvement Scheme.

The County Council regards the A229 Blue Bell Hill Improvement Scheme to be of utmost relevance to any consideration of mitigation interventions on this part of the network.

#### *A229 Blue Bell Hill Improvement Scheme*

The County Council initiated work on the A229 Blue Bell Hill Improvement Scheme in 2020. The intention was to address existing congestion issues on the A229 and its associated junctions at M2 J3 and M20 J6, alongside proposals for growth in Medway, Maidstone and Tonbridge and Malling and the additional traffic that could result from a Lower Thames Crossing (LTC).

Workshops were held with key stakeholders, including Maidstone Borough Council and National Highways, and option testing was undertaken using traffic modelling. The optioneering process considered 73 different interventions to M20 J6 (26 proposals), M2 J3

(43 proposals) and A229 (4 proposals), in addition to 17 broader package and wider transport strategy options. Small-scale options, such as segregated left turn lanes, were not taken forward as they could not accommodate the forecast volumes of traffic.

The work culminated in a public consultation on the three best performing options in September/October 2020. Full details are provided on the Kent County Council website.<sup>2</sup>

85% of respondents to the consultation agreed that something needed to be done about A229 Blue Bell Hill and its junctions based on the current situation.

After further scheme development, two options were put forward for the Business Case, as described in Table 1.

**Table 1: A229 Blue Bell Hill Improvement Scheme – Options 1 and 2**

	Option 1	Option 2
<b>Northern end of Blue Bell Hill</b>		
Improvements to the slip road onto the A229 southbound at Lord Lees Roundabout	✓	✓
Increase the road width between Taddington and Lord Lees Roundabouts to four lanes	✓	
A new slip road onto the M2 (westbound) from the A229 immediately after Lord Lees Roundabout	✓	✓
Upgrade of the current signalised junction at Taddington Roundabout allowing traffic travelling from the M2 eastbound to A229 via a new bridge over the M2	✓	
A new separate left turn lane from the M2 westbound to the A229 at Taddington Roundabout	✓	✓
A new slip road from the M2 eastbound to a new junction arrangement at Bridgewood Roundabout		✓
<b>Southern end of Blue Bell Hill</b>		
Enlarge the Running Horse Roundabout to the west	✓	✓
Improve the slip road onto the M20 eastbound from Cobtree Roundabout	✓	✓
A new grade separated junction, where the existing Forstal Road bridge is currently located		
<b>Along the length of Blue Bell Hill</b>		
Widen the A229 to three lanes when travelling southbound towards Maidstone (between Lord Lees and Cobtree Roundabouts)	✓	✓

A Strategic Outline Business Case (SOBC) was submitted to the Department for Transport (DfT) in December 2020 as part of the Large Local Majors funding programme and was approved on 27 October 2023.

<sup>2</sup> [A229 Blue Bell Hill - Kent County Council](#)

Large Local Majors funding provides a unique opportunity to achieve substantive improvements to A229 Blue Bell Hill that has not previously been possible.

The results of the modelling and economic appraisal for the A229 Blue Bell Hill Improvement Scheme indicates that the project has a Benefit Cost Ratio (BCR) of 2.2 (based on modelling using the Kent Transport Model at SOBC stage in February 2022). This shows that the scheme offers value for money and will provide benefit to both the local and wider economies.

The DfT has advised the County Council to proceed with the next stage, the Outline Business Case (OBC), and provided a development funding offer for the 2023/24 financial year.

The County Council has estimated that the completion of the OBC will cost around £10.5m. The DfT has advised that they will fund two thirds of this, which leaves a shortfall of around £3.5m. The County Council has already funded the development of the scheme to date and is not in a position to further fund the project. The County Council is therefore in the process of approaching possible funding sources to contribute to the shortfall.

Based on the current expectation, the indicative programme is:

- Submission of the Outline Business Case to the DfT, including details of the preferred scheme – December 2025
- Submit planning permission and consents – Autumn 2025
- Further detailed design – Spring 2026 to Summer 2027
- Submission of full business case to the DfT – Autumn 2027
- Construction to begin – Spring 2028
- Completion of scheme – Summer 2030 (aim to be completed before the LTC opens to traffic)

The DfT announcement on 4 October 2023 regarding Network North has indicated that the scheme is now likely to receive 100% of the funding on acceptance of an OBC.

#### *Maidstone Borough Council - Mitigation Proposals*

The County Council notes that the Transport Assessment (ED135) does not reference or demonstrably take account of the A229 Blue Bell Hill Improvement Scheme. It has evidently been compiled as a discrete body of work with the specific intention of devising small-scale road improvements that can mitigate the impacts of the Maidstone Local Plan Review in isolation.

The preparation of the Transport Assessment (ED135) has therefore given insufficient weight to the advanced progression of the A229 Blue Bell Improvement Scheme and the acceptance by the DfT that a large-scale intervention is required on this part of the network.

Furthermore, it does not clarify why Maidstone Borough Council has now chosen to submit evidence in support of a form of mitigation that differs from that described within its own Infrastructure Delivery Plan (ED126).



It is understood that the Borough Council is seeking to address concerns raised by National Highways on the potential impacts of the Local Plan Review on congestion on the mainline M2 motorway at this location. The County Council maintains the view that the A229 Blue Bell Improvement Scheme represents the most suitable means of addressing such concerns in how it tackles congestion on both the strategic and local road networks in a holistic manner.

A piecemeal approach to road improvements, such as that proposed in the Transport Assessment (ED135), is likely to prejudice the County Council's ongoing efforts to deliver major co-ordinated road improvements that will benefit Kent as a whole. The funding and delivery of the Borough Council's proposed small-scale works in support of new development would be expected to replace any financial contributions that could otherwise be secured towards the A229 Blue Bell Hill Improvement Scheme via Section 106 Agreements in support of planning permissions. This missed opportunity is significant in view of the current funding shortfall for the scheme.

The Borough Council's proposal would also set an unwelcome precedent in encouraging other neighbouring Local Planning Authorities to pursue mitigation of their Local Plans via individual small-scale interventions. This lack of oversight does not align with the co-operation on strategic matters that is encouraged within paragraphs 24-27 of the National Planning Policy Framework<sup>3</sup>.

Importantly, multiple small-scale road layout alterations can often be more disruptive to road users when viewed against a more comprehensive and co-ordinated programme of construction.

The County Council is not therefore supportive of the proposed mitigation presented within the Transport Assessment (ED135), as it regards financial contributions towards delivery of the A229 Blue Bell Hill Improvement Scheme to be a more suitable means of mitigating the impacts of the Local Plan Review.

The County Council remains cognisant that there are delivery risks associated with the A229 Blue Bell Hill Improvement Scheme, even if funding for the OBC is secured. This means that there is currently no certainty that the scheme can be delivered at the point it is needed to mitigate the impacts of the Local Plan Review.

In view of this uncertainty, there is merit in investigating alternative solutions that could be implemented if the A229 Blue Bell Improvement Scheme cannot be delivered.

The County Council has therefore reviewed the Transport Assessment (ED135) with this scenario in mind, notwithstanding its view that the A229 Blue Bell Improvement Scheme represents the most appropriate form of mitigation.

Section 2.3 of the Transport Assessment (ED135) confirms that the mitigation proposals consist of modifications to the M2 off-slip arms of the Taddington Roundabout to create additional queuing capacity and lane allocation changes on both the Taddington and Lord

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<sup>3</sup> National Planning Policy Framework (Department for Levelling Up, Housing & Communities, December 2023)

Lees Roundabouts. The proposals will require land owned by National Highways, although the County Council has responsibility for some of the areas needed.

It should be noted that the proposed M2 off-slip modifications are more modest than those proposed within the A229 Blue Bell Hill Improvement Scheme and will have no impact on the capacity of the circulatory element of the junction.

Where modifications to the existing highway layout are proposed, the County Council routinely requires a Stage 1 Road Safety Audit. This is not included within the Transport Assessment (ED135), although paragraph 3.4.4 indicates that it is being undertaken. The County Council regards the Road Safety Audit to be critical in view of the potential safety implications of the proposed modifications to the M2 south arm at the Taddington Roundabout. These include the increased risk of side swipe collisions that could result from the creation of three lanes for road users turning left towards the A229 and the use of a physical deflection island to address the sub-standard entry path radius. In the absence of a Road Safety Audit the County Council is unable to confirm that the proposals are acceptable from a highway safety perspective.

Whilst it is noted that paragraph 3.2.11 of the Transport Assessment (ED135) indicates betterment of the entry path radius will be achieved when compared against the existing layout, this must be viewed in the context of the additional traffic movements resulting from the Local Plan Review and the associated increased risks of conflict at a substandard junction layout. The acceptability of the proposed departure from standard to National Highways is not yet known.

### *Capacity Modelling*

Section 2.1 of the Transport Assessment (ED135) confirms that Maidstone Borough Council's capacity modelling of the Taddington and Lord Lees roundabout junctions has been based on that previously undertaken by the County Council, with amendments made to amalgamate the two junctions into a single model and apply different lane coding and saturation restrictions. Whilst the County Council regards this methodology to be acceptable in principle, there remain concerns over the accuracy and robustness of the applied assumptions within the modelling.

The County Council maintains the view that the parameters within its own modelling represent a highly robust basis for assessment of the junctions.

It is noted that the signalised junction serving Blue Bell Hill village, which is situated on the section of the A229 between the two roundabouts, has not been included within the single model presented within the Transport Assessment (ED135). As this provides the key route into and out of the village, the County Council wishes to ensure that residents, businesses and visitors are not unduly impacted by the proposed changes.

The modelling outputs presented in section 2.2 of the Transport Assessment (ED135) for the 2037 Reference Case and Option 2 scenarios are broadly consistent with the County Council's own understanding of forecast queuing and delay at the junctions. They demonstrate how the junctions are expected to operate well above capacity, with extensive queuing evident on the A229 and A2045 arms.

Paragraphs 2.2.8 and 2.2.9 of the Transport Assessment (ED135) acknowledge how the overall impacts of the Local Plan Review in the Option 2 scenario will have a worsening effect on the queuing and delay at the junctions. This reconfirms the need for mitigation.

The modelling results presented in section 2.3 of the Transport Assessment identify how the Borough Council's mitigation proposals would affect queuing and delay at the junctions. The results indicate that the two junctions, when viewed as whole, would operate better in 2037 with the proposed mitigation in place than in the Reference Case scenario.

In reviewing the specific implications of the proposed mitigation on the roads for which it is responsible, the County Council notes that worsening conditions are forecast to arise on the A229 North Ahead Left movement on the Lord Lees Roundabout, where the queue of 11 Passenger Car Units (PCUs) in the Reference Case PM peak is predicted to increase to 78 PCUs (468 metres) with the Local Plan Review traffic and proposed mitigation added. This queueing is likely to extend onto the A229 mainline dual carriageway.

Furthermore, it is noted that the A229 Ahead movement on the Taddington Roundabout would also be affected in the PM peak as the queue of 190 PCUs in the Reference Case would increase to 317 PCUs with the Local Plan Review traffic and proposed mitigation added.

An eastbound queue of 317 PCUs (1902 metres) would extend along and well beyond the 300-metre section of the A229 linking to the Lord Lees Roundabout. It therefore raises the prospect of queuing on the A229 at Taddington Roundabout interfering with the operation of both the Lord Lees and Bridgewood Roundabouts, as well as the A229 in both directions.

This extent of queuing is expected to result in more frequent instances of exit blocking, which would impact upon the efficient operation of the other arms of the roundabouts. In addition, the County Council's analysis of crash incident patterns in support of the A229 Blue Bell Hill Improvement Scheme identified how the existing A229 northbound off slip to the Lord Lees roundabout is a crash cluster site (17 crashes occurred at this location, including two serious injury crashes, between 2014-2019). A worsening of the traffic conditions at this location is likely to increase the number of crashes.

There is no commentary provided in the Transport Assessment (ED135) on the impacts of these significant queues.

Both National Highways and the County Council have objectives to improve the resilience of the routes from Dover to the M25<sup>4</sup> which include transfer between the two motorway corridors. As such, the County Council regards the impact from the proposed mitigation to be unacceptable in how it would compromise the effective operation of the A229 corridor and result in a substantive worsening of queuing, delay and safety for road users.

It is highly likely that the forecast queuing on the A229 would impact upon many road users wishing to travel to the proposed Lidsing Garden Community in the PM peak. This would

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<sup>4</sup> National Highways Kent Corridors to M25 Route report and Kent County Council Local Transport Plan 4: growth without Gridlock and emerging LTP5: Turning the Curve Towards Net Zero

inevitably influence route choice, depending on the effectiveness of any mitigation measures deployed in Bredhurst and Boxley to deter re-routing.

It is also important to note that the modelling findings for 2037 do not capture the full traffic impact of the Local Plan Review, given the expectation that full build-out of the garden settlements will not be achieved until 2050.

### *Lower Thames Crossing*

The LTC proposals, which have recently been the subject of a Development Consent Order (DCO) examination, have demonstrated that the opening of LTC will have a significant impact on M2 J3. It is expected that the new LTC route will open in 2031.

No sensitivity testing has been included within the Transport Assessment (ED135) to account for potential LTC traffic in the modelled 2037 scenarios.

A further worsening of conditions at M2 J3 would be likely to encourage road users to utilise other less suitable routes between the M2 and M20 motorways. Alternative routes, such as the A227 and A228, are largely single carriageway roads that pass through numerous communities.

The LTC is also expected to result in an increase in the number and proportion of Heavy Goods Vehicles (HGVs) negotiating the M2 J3. Temporary increases in HGVs at the junction due to Operation Brock have already been identified as causing a reduction in capacity and increase in delays. Operation Brock requires HGVs heading to the ports to queue on the M20, and drivers re-routing from the M2 corridor use the A229 as the shortest and most direct route between the motorway corridors.

The influence of a prospective LTC on the effectiveness of interventions at M2 J3 reinforces how a strategic approach is required in respect of mitigation of the Local Plan Review at this location.

### *Deliverability*

It is noted that the Transport Assessment (ED135) has not included a cost estimate in support of the Borough Council's mitigation proposals. The earthworks, retaining wall and relocation of utilities required for the M2 south arm widening at Taddington Roundabout would need to be accounted for in any cost estimate and, as noted in paragraph 3.2.6, require further detailed design work.

The Transport Assessment (ED135) does not identify the development sites within the Local Plan Review that would be expected to fund and deliver the mitigation. It also does not confirm the intended timing of delivery.

It is therefore uncertain whether the mitigation would be delivered by 2037 to align with the modelling, if it is largely dependent on funding associated with the Lidsing Garden Community that has a phased build-out programme extending to 2042 (as indicated in ED121 containing the proposed Main Modifications to Policy LPRSP4(B)).

In the absence of this clarity, the County Council does not regard the mitigation proposal to achieve greater deliverability certainty than the A229 Blue Bell Hill Improvement Scheme.

Summary – Highways and Transportation

The County Council regards the inclusion of the A229 Blue Bell Hill Improvement Scheme within the Borough Council's Infrastructure Delivery Plan (ED126) to be essential in ensuring the Local Plan Review meets the tests of soundness prescribed within paragraph 35 of the National Planning Policy Framework (December 2023). These tests specifically require Local Plans to be effective in how they address strategic matters relating to infrastructure provision.

The County Council does not regard the proposals for M2 J3, as presented in the Transport Assessment (ED135), to provide a suitable means of mitigating the impacts of the Local Plan Review. They conflict with the established need for substantive strategic road improvements at this location and would result in an unacceptable worsening of queuing and delay on the A229 corridor.

The Local Plan Review must therefore ensure that the impacts of planned growth in Maidstone Borough are mitigated through a requirement to provide funding towards the completion of the OBC that is necessary to facilitate delivery of the A229 Blue Bell Hill Improvement Scheme. This approach offers the best prospect of achieving transport infrastructure that will meet the wider needs of Kent.

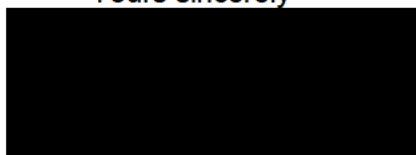
In the event that the A229 Blue Bell Hill Improvement Scheme does not proceed, the County Council would wish to agree an alternative scope of works with the Borough Council and National Highways that can be implemented via a Section 278 Agreement.

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The County Council will continue to work closely with the Borough Council to help ensure the appropriate delivery of a sound Local Plan. 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 sincerely



**Simon Jones**  
Corporate Director – Growth, Environment and Transport

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Appendix A: Kent County Council response to Main Modifications submitted 13 November 2023.

Appendix B: Kent County Council Growth, Economic Development and Communities Cabinet Committee - 18 January 2024 - 2023 Community Infrastructure Levy Position

Appendix C: Commissioning Plan for Education Provision in Kent 2024-2028