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31 May 2024

Dear Robin,

**Re: Outline planning application with all matters reserved (except for access) for development of land to west of Hermitage Lane and East of Kiln Barn Road [application reference: 24/00372/PA]**

Thank you for consulting Kent County Council (hereby referred to as the 'County Council') on the outline planning application for a residential-led development including affordable housing; a new village centre including a primary school; ancillary commercial, community and employment floorspace; strategic open space, parkland, child play provision and sustainable drainage infrastructure; new access points and associated transport infrastructure.

The County Council has reviewed the application documents and sets out its comments below.

**Highways and Transportation**

The County Council, as Local Highway Authority, has reviewed the application and provides the following commentary:

There are two details missing from the appendices for Transport Assessment (TA) Vol 5 – Multi Modal Assessment; these are Aspirational Scenario Demand Forecast (labelled Appendix B) and Historic Trends Worksheets (labelled Appendix D). The County Council would ask that this information be supplied to enable the application to be fully assessed.

## Access

Development access is proposed to be via two points on Hermitage Lane, with another access point on Kiln Barn Road.

Drawings 22-031/029, 22-031/030 and 22-031/031 provide details of the expected access arrangements to and from the development which complies with Kent Design Guide - Designing for Movement.

The detailed access and mitigation drawings (22-031-047, 22-031-100, 22-031-102 to 109) should be reviewed through a Stage 1 Road Safety Audit along with designer's comments, to ensure that no unforeseen safety issues are identified with the designs.

Where raised tables are proposed, consideration will need to be given to ensure these measures are suitable on any possible bus routes.

All proposed mitigation schemes should be delivered via a S278 Agreement and at an appropriate time depending on the phased build-out of the development.

## Transport Assessment Volume 4 – Sustainable Travel Strategy

The County Council has been investigating measures to tackle congestion by improving highway capacity at A20/ Hall Road in accordance with Local Transport Plan (LTP) and district policies. A roundabout option has been discounted following public consultation and an enhanced signal scheme can only bring limited benefits. An alternative to provide a secondary 'all modes' access to Quarry Wood would require a link through land within the ownership of the applicant. Given the aspiration at paragraph 2.1.7 of the Transport Assessment Volume 4 to "integrate with and provide benefits to the wider community", the County Council would wish to understand how the development will facilitate provision of this link for vehicles as well as pedestrians and bicycles.

Details of any proposed bus strategy should be identified at this stage to ensure that a commercial operator is willing to take on a route, or a discussion will need to take place with the County Council's Passenger Transport Team, as a S106 contribution may be required, and over a period of time, to make the route viable. It is not desirable to have a bus gate on a route with an infrequent bus service. As part of the TA, the applicant mentions improving connectivity to Kings Hill from the development, however, details of an intended service should be shared. There are only three buses (outside of school services) per day running to Kings Hill and a substantial improvement will be required to create improved permeability, to the extent shown on the RAG review.

Paragraph 4.6.11 identifies that discounted / free bus travel for residents would need to be provided. This detail will need to be confirmed and conditioned.

All matters regarding Public Rights of Way (PRoW) must be in consultation with the County Council PRoW and Access Service who are the Highway Authority for PRoW (full KCC response in respect of PRoW is available in Appendix 1). In respect of paragraph 4.4.13, routes via PRoW should be upgraded to encourage use focusing on personal safety

(lit/visible from nearby properties) and with all-weather surfacing to meet mode share targets. Design details are required to ensure this can be achieved. The County Council would ask that this be done with consultation with the County Council's PRow Service. All other highway routes should be well lit and provide safe journeys.

In respect of paragraph 4.6.18, there is a need to understand what scope there is for implementation of an increased frequency of rail services stopping at Barming Station given the consequent time penalty incurred to main line train journeys. The measures proposed for Barming Station will need to be defined so that this can be appropriately assessed to ensure the development is suitably connected and can offer alternative transport solutions.

In terms of the proposed highway schemes or measures, it would be useful to understand the phasing/trigger when each scheme will be implemented so that it can be agreed and appropriately conditioned, should planning permission be granted.

#### Transport Assessment Volume 5 – Multi Modal Assessment

It is unclear what has been included within the committed development trip generation. The checklist within Appendix G does not show green in the "Flows Impact Development" column against either 17/01595 *Land south of London Road and East of Hermitage Lane* or 20/01820 *Aylesford Newsprint*. Also, the Figures that follow, particularly Figures 4.9 and 4.10, do not show the link road which will run between London Road and Hermitage Lane, as a committed scheme, as part of planning consent for 17/01595. The committed development flows shown for 17/01595 look low, and do not meet the expected trip generation seen within the Tonbridge and Malling Local Plan model. The applicant should ensure that the correct flows have been applied from the consented scheme.

The County Council would seek that the applicant confirm which sites are included within the Additional Committed Development Flows Totals for the AM and PM peak link diagrams.

The sheet for Additional Committed Development Flows Total AM seems to have an error on the flows for Hermitage Lane travelling northbound (see screenshot below), which is not evident in the other diagrams provided.

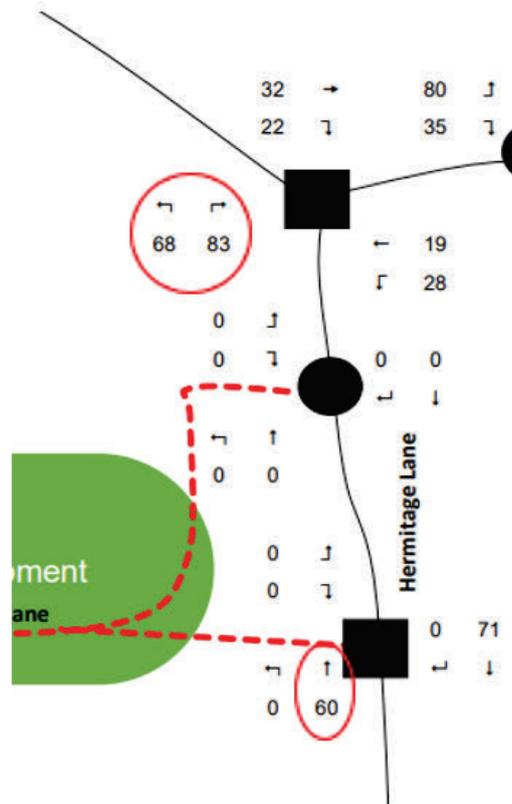


Figure 4.21 has some of the traffic flow figures missing as three hashtags are shown in some locations on the diagram. The County Council requests that this is corrected.

Within the TRICs assessment, sites in Ireland have been included. These sites should be excluded from any final dataset.

Section 3 has highly aspirational targets for both Public Transport travel and working from home – evidence to show how these can be achievable should be provided to the County Council.

Paragraph 4.1.7 is incorrect because the County Council, as Local Highway Authority, preferred for the tests to be undertaken via the Tonbridge and Malling Local Plan model, however, the applicant decided to use the Maidstone Local Plan model, as it had been signed off by National Highways. The use of the Maidstone Local Plan model was heavily caveated by the County Council and Jacobs.

Transport Assessment Vol 6 – Monitoring & Evaluation Plan

As detailed within the Multi modal assessment, a vision-led approach is being progressed by the promoter for this application and is in line with national policies, and is therefore an acceptable strategy to the County Council. A plausible aspirational scenario should enable sustainable journeys to be undertaken to key destinations where required improvements / measures can be delivered and a lower projected car trip rate, which fits the various aspirational targets. The difficulty will be in delivering measures outside of the development site where the network is constrained. A key requirement will be for mitigation measures to be delivered by the applicant.

The applicant has produced a Monitoring and Evaluation Plan (MaEP) based on the evidence gathered during earlier sections of the TA and this will be reviewed once some of the earlier points are clarified. The effective implementation of this plan will be critical to mitigating the impact of the development and adapting mitigations over time to deliver agreed outcomes. In principle, the inclusion of a mobility hub (car club, cycle hire, secure parcel lockers, etc.) and a framework travel plan, are positive inclusions to the planning application.

### Summary

It has not been possible to review all the documentation associated with this planning application at this time due to the absence of key documentation.

Given the above, it is currently not possible to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the local highway network.

In light of the above review, the County Council, as Local Highway Authority, recommends that planning permission not be granted (other than a refusal if the Council so wishes) for a period of three months from the date of this response to allow the applicant to resolve the outstanding matters.

This recommendation can be replaced, renewed, or reviewed during the three-month period, or at its end, dependent on progress made with regards to the outstanding matters.

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

The County Council, in respect of PRoW, provided its response direct to the Borough Council on 11 April 2024 (Appendix 1).

### **Provision and Delivery of County Council Community Services and Infrastructure**

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

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

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

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

**Request Summary Table 1**

	Per 'Applicable' House (910) *	Per 'Applicable' flat (260) *	Estimated Total	Project
*For the purposes of this outline planning application, the County Council has assumed a dwelling mix of 70% houses, 20% applicable flats (2+ bedrooms) and 10% non-applicable dwellings. <b>As the dwelling mix may change as part of Reserved Matters, the County Council reserves the right to reassess the requirement for education places.</b>				
<b>Nursery</b>	26 place Nursery at the new 2 Form Entry Primary School – Provided as part of the 2FE Primary School			
<b>Primary Education</b>	£7,081.20	£1,770.30	£6,904.170.00	New on-site 2FE primary school and/or **increased capacity in neighbouring Primary Education Planning Groups
<b>Primary Land</b>	1 No. 2FE Primary School site of 2.5ha at 'nil' cost to the County Council (transferred as per the County Council's attached General Site Transfer Requirements)			
<b>Special Education</b>	£559.83	£139.96	£545,834.90	Contribution towards a new special needs school serving this development and SRP provided within the Mainstream Education Schools on-site and within the Borough
<b>Secondary Education</b>	£5,587.19	£1,396.80	£5,447,510.90	Towards the establishment of a new 6 FE secondary school as identified at Broadwater Farm <b>OR</b> **An alternative new secondary school in either the Malling non-selective and Maidstone & Malling selective, or Tonbridge & Tunbridge Wells

				non-selective education planning groups.
**The flexibility required across education projects and education planning groups is in accordance with the Department of Education guidance on Securing Developer Contributions for education dated November 2019 (Para 20), which recommends that a preferred and contingency school expansion project is identified in a planning obligation to enable local authorities to respond to changing circumstances and new information				
<b>Secondary Land</b>	£4,785.97	£1,196.49	£4,666,320.10	Towards land acquisition costs at Broadwater Farm, or a new secondary school in either the Malling non-selective and Maidstone & Malling selective, or Tonbridge & Tunbridge Wells non-selective education planning groups

*'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered/extra care accommodation. Should any 1 bed flats be above this size threshold the County Council will reassess the requirement for education places.*

**Table 1 continued:**

	<b>Per Dwelling (1,300)</b>	<b>Total</b>	<b>Project</b>
<b>Community Learning and Skills</b>	£34.21	£44,473.00	Towards additional resources (including portable teaching and mobile IT equipment), and additional sessions and venues for the delivery of additional Adult Education courses locally.
<b>Integrated Children's Services</b>	£74.05	£86,638.50	Towards additional resources and equipment to enable outreach services delivery in the vicinity, and/or the upgrade of existing youth facilities or sport infrastructure in the Borough
<b>Library, Registrations and Archives</b>	£62.63	£81,419.00	Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development.
<b>Adult Social Care</b>	£180.88	£235,144.00	Towards Specialist care accommodation, assistive technology systems, adapting Community facilities, sensory facilities, and Changing Places within the Borough

	All Homes built as <b>Wheelchair Accessible &amp; Adaptable Dwellings</b> in accordance with Building Regs Part M 4 (2)		
<b>Community Buildings specification:</b>	<p>*Design that is Dementia friendly with dementia friendly decoration and signage.</p> <p>*A catering area which is compliant with the Equality Duty 2010, such as adjustable height work surfaces, wash areas, cupboards etc.</p> <p>*Toilets and changing facilities for the profoundly disabled which are Equality Duty 2010 Compliant and delivered in accordance with <a href="http://changing-places.org">Changing Places Toilets (changing-places.org)</a></p> <p>* Provision of secure storage for Kent County Council Social Care, Community Learning, Libraries and Youth Service_</p>		
<b>Waste</b>	£52.00	£67,600.00	Towards Household Waste Recycling Centres serving the development, including at Laverstoke Road, Allington.

The County Council also draws attention to the contribution requests in respect of PRoW within Appendix 1.

Please note that these figures:

- are to be **index linked by the All-In Tender Price Index from Q1 2022 to the date of payment.**
- are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.
- Bonds will be required by the County Council for the Education contributions if the applicant wishes to pay the contributions in instalments. If the contributions are paid in instalments, the applicant will also be required to cover The County Council's borrowing costs for the construction of the schools.

#### Justification for Infrastructure Provision/Development Contributions Requested

The Developer Contributions Guide has been approved as County Council policy. Information on the areas the County Council will seek for, contribution rates, methodology for calculation and policy justification are contained within the Guide and can be viewed [here](#).

The County Council has modelled the impact of this proposal on the provision of its existing services and the outcomes of this process are set out below and in the attached appendices.

#### Education

Kent County Council is the Statutory Authority for education and is the Strategic Commissioner of Education Provision.

This proposal has been assessed in accordance with the County Council Development Contributions Guide methodology of assessment. This assessment will start with the forecast capacity of existing schools, taking in to account existing cohorts, the pre-school aged population, historic migration patterns and new residential developments in the locality.

Contributions are sought based upon the additional need required, where the forecast pupil product from new developments in the locality results in the maximum capacity of local schools being exceeded.

### Primary Education

The County Council has assumed (based on the submission material available) a dwelling mix of 70% houses, 20% applicable flats (2+ bedrooms) and 10% non-applicable dwellings. Based on this mix – which must be subject to regular review to ensure it reflects the final mix – the proposed development is estimated to generate up to 273 primary pupils. This need, cumulatively with other new developments in the vicinity, is assessed in Appendix 2. Financial contributions towards construction will be required to mitigate the impact towards the projects identified in Table 1 and will be provided and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan timetable and phasing (where available).

The County Council commissions new primary schools as either two or three forms of entry, and therefore one No. 2 Form Entry primary school will be required to support the development.

### Applicant's Proposal – Primary School Site/Indicative Locations/Phasing

The site proposed for a 2FE primary school is 2.5Ha of land and this should be transferred in accordance with the County Council General Site Transfer terms (attached). The location of the site is to be agreed with the County Council, as the Statutory Education Authority.

The County Council will require further understanding of the phasing for delivery and access to the proposed School site and would encourage the applicant to discuss this with the County Council's Area Education Team and Property leads. The transfer of school land and delivery trigger must be subject to appropriate monitoring and review mechanisms within the S106 Agreement to reflect build-out rates and pupil demand, to ensure sufficient capacity and delivery to meet demand.

Greater detail of the proposed primary school site is required to ensure it meets County Council General Site Transfer requirements, including any detailed study information on: ground conditions, noise, air pollution, topography, public rights of way, flooding etc. and confirmation the land transfer will be freehold without any encumbrances at no cost to the County Council. To assist with our suitability assessments, the County Council will require four corner point co-ordinates of the site so that a thorough site inspection can take place before it would be able to confirm it is agreeable.

It is expected that all school sites will be served by vehicular and pedestrian/cycle routes prior to their opening, connecting not only the new communities to these schools, but also existing neighbourhoods in the locality. A suitable pedestrian crossing will be required to serve a safe link between the proposed local centre and the school.

In a scenario in which the school land was not required, discussions with the applicant and Planning Authority for the land to be of benefit to the local community could take place. In

such a scenario the County Council would need to provide confirmation, by notice, that the land is not required for a new school.

### Nursery and Pre-School Provision

The County Council has a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. The County Council is seeking the provision of pre-school facilities within the new primary schools, it also expects to see the delivery of infrastructure on-site for use by the private / voluntary / independent (PVI) sector at affordable rents. Currently, approximately 40% of two-year old children are entitled to free early education (15 hours per week), while all three and four-year olds are entitled to 15 hours per week, increasing to 30 hours for those with working parents. Take-up for these places has been high. The County Council supports the provision of PVI nurseries on new developments (especially extended hours and provision for babies/under two-year olds) and will work with the applicant to advise on the appropriate method of delivery.

### Special Education Needs and Disabilities Provision

The Children's and Families Act 2014, Equality Act 2010 and Children and Families Act 2014 sets out the County Council's responsibilities for children and young people with Special Educational Needs and Disabilities (SEND) aged 0-25 years. The County Council's [SEND Strategy \(2021-2024\)](#) sets out its vision and priorities in respect of this area of its service.

Children with more complex needs are supported through an Education, Health and Care Plan (EHCP) which sets out the provision they are entitled to. School-age pupils with EHCPs are educated in mainstream school classes, in Specialist Resourced Provisions (SRPs) on mainstream sites and in stand-alone special needs schools.

### *Mitigation of Need*

This proposal gives rise to additional pupils with EHCPs requiring extra support through specialist provision. All SEND infrastructure in Kent is currently at capacity.

A proportionate contribution is therefore required to mitigate the impact from the development through the provision of additional SEND places as identified in Table 1.

### Secondary School Provision

The indicative housing mix provided by the applicant has been used to calculate the Secondary Education need created by the development. Based on this mix – which must be subject to regular review to ensure it reflects the final mix – the proposed development is estimated to generate up to 195 secondary pupils, equivalent to 1.4 Form Entry (FE). This need, considered cumulatively with other new developments in the vicinity, is assessed in Appendix 2.

Financial contributions towards construction will be required to mitigate the impact towards the projects identified in Table 1 and will be provided and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan timetable and phasing (where available).

Secondary education demand is exceeding provision in the Borough, with a significant forecast deficit in places as extant permissions are built out, and the County Council awaits the build of the new school in the northern part of the borough to meet the needs generated by the current Local Plan. Consequently, this application will place additional pressures on education provision and a new Secondary school is required.

Should this application not provide this infrastructure, the County Council will be unable to meet the needs of the new population for secondary education places and the application would be unsustainable on educational grounds.

The land acquisition cost is based upon current local land prices and any section 106 agreement would include a refund clause should all or any of the contribution not be used or required. The school site contribution will need to be reassessed immediately prior to the County Council taking the freehold transfer of the site to reflect the price actually paid for the land.

#### Provision of Education Places

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

The County Council will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its [Commissioning Plan for Education Provision 2023-27](#) and [Children, Young People and Education Vision and Priorities for Improvement 2018-2021](#).

#### Community Learning and Skills

The County Council provides Community Learning and Skills (CLS) facilities and services in line with [Framing Kent's Future – Our Council Strategy 2022/2026](#) (Priority 1 – Levelling Up Kent and Priority 2 – Infrastructure For Communities).

Appendix 3 provides detail of the current shortfall in the provision of this service, the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development.

#### Integrated Children's Service – Youth Service/Early Years Service

The County Council has a statutory duty to provide Youth Services under section 507B of the Education Act 1996 and the statutory guidance '[Working Together to Safeguard Children](#)'.

Appendix 3 provides detail of the current shortfall in the provision of this service, the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development.

#### Library, Registrations and Archives Service

Under the [Public Libraries and Museums Act 1964](#), the County Council has a statutory duty to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires the County Council to take proper care of its libraries and archives.

There is an assessed shortfall in provision for this service. Borrower numbers are in excess of capacity, and book stock in Borough at 827 items per 1,000 population is below the National standard of 1,532.

An evaluation of the impact of this development is shown in Appendix 3. The appendix demonstrates the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development.

#### Adult Social Care

The proposed development will result in additional demand upon Adult Social Care Services (ASC), including older persons and adults with Learning/Neurodevelopmental/Physical Disabilities and Mental Health Conditions.

Appendix 4 provides detail of the current shortfall in the provision of this service, and also explains the statutory duty upon the County Council to provide Adult Social Care services. The appendix demonstrates the demand generated by the application, the projects serving the development and proportionate cost requested to mitigate the impact arising from this development. Table 1 also identifies the mitigating projects serving the development.

The Department for Levelling Up, Housing and Communities identified guidance in June 2019 - [Housing for older and disabled people](#), that the need to provide housing for older and disabled people is critical. Accessible and adaptable housing enables people to live more independently and safely. The County Council requests these dwellings are built to Building Regulations Part M4(2) standard (as a minimum) to ensure that they remain accessible throughout the lifetime of the occupants, meeting any changes in the occupants' requirements.

#### Potential provision of care homes/extra care

Concerning the provision of older person care homes in Kent, the County Council has seen a steady decline in overall numbers in the past five years, with the situation further exacerbated by Covid-19. However, the number of people wishing to access purely older person care homes is reducing. Consequently, there are specific types of care home delivery models which the County Council would wish to support. For example, there is a significant demand for residential and nursing care homes that can meet the needs of people with challenging and complex needs, including dementia. The County Council would

encourage any new residential care home provider to join the County Council Care Home Contract and to operate a mixed economy of both local authority funded and private funded residents. As such, the County Council recommends that the applicant works with County Council Adult Social Services to develop the most appropriate form of care delivery.

### Advisory on Supported Living Accommodation

The demand for supported living accommodation (especially within the working-age population) has increased significantly. The County Council would wish to see the dwelling mix of this development to include a proportion of this type of accommodation. As such, the County Council recommends that the applicant works with County Council Adult Social Services to develop the most appropriate forms of care delivery.

### Waste

The County Council is the statutory Waste Disposal Authority for Kent, responsible for the safe disposal of all household waste. Appendix 5 provides detail of the current shortfall in the provision of this service, the demand generated by the application and also explains the statutory duty upon the County Council.

The appendix demonstrates the projects serving the development and proportionate cost requested to mitigate the impact arising from this development and accommodate the increased waste throughput within the Borough. Table 1 also identifies the mitigating projects serving the development.

To accommodate the increased waste throughput and mitigate the impact arising from this development, a contribution of £52.00 per household is required towards Household Waste Recycling Centres serving the development, including at Laverstoke Road, Allington.

### Implementation

The above contributions comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the proposal. The Local Planning Authority is requested to seek a section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement. Additionally, a County Council monitoring fee of £300 for each trigger point identified for County contributions within the Agreement is also required, irrespective of whether the County Council is party to the agreement.

Any Section 106 or UU containing contributions for County Council services should be shared with the authority via the [Developer.Contributions@kent.gov.uk](mailto:Developer.Contributions@kent.gov.uk) email address prior to its finalisation.

If you do not consider the contributions requested to be fair, reasonable, compliant with CIL Regulation 122 or supported for payment, it is requested that you notify us immediately and allow at least 10 working days to provide such additional supplementary information as may

be necessary to assist your decision-making process in advance of the Planning Committee report being prepared and the application being determined.

### **Minerals and Waste**

The County Council, as Minerals and Waste Planning Authority, provided its response direct to the Borough Council on 19 April 2024 (Appendix 6).

### **Sustainable Urban Drainage Systems**

The County Council, as Lead Local Flood Authority, provided its response direct to the Borough Council on 17 April 2024 (Appendix 7).

### **Heritage Conservation**

The County Council has reviewed the application and provides the following commentary:

This site does not contain any designated heritage assets, but it does have potential for as yet unknown significant archaeological remains. There are known Palaeolithic artefacts from this site and this suggests potential for Early Prehistoric remains, some of which could be of considerable importance. This proposed scheme includes a new access which would pass very close to several designated heritage assets within East Malling, including Grade I listed St James Church and the Scheduled Monument of East Malling Roman villa.

In view of the proximity of the Scheduled Monument of East Malling Roman villa and the Grade I St James Church, the County Council recommends that Historic England is consulted on this proposed scheme. The reports supporting this consultation suggest no designated heritage assets would be impacted by this scheme and as such no designated heritage assets are going to be assessed. This is absolutely not the case, and the applicant needs to provide clarity on the proposed road to the west and to provide appropriate assessment.

#### *Archaeology*

Although this site does not contain many known Historic Environment Records (HER) sites, it has not been subject to any reasonable archaeological fieldwork. This means the archaeological potential is more “unknown” than “low”. The current understanding of the scale, nature and significance of past human activity within the proposed development area (PDA) is limited. Assessing the potential for Prehistoric, Roman and Early Medieval archaeology can be improved through understanding the geology and topography of the site and identifying key natural resources, such as water and wood. There are some indications from cropmarks, LiDAR data and especially recent archaeological investigations adjacent, that this area has been more utilised from the prehistoric period onwards, compared to earlier periods.

The geology of the site seems simple, that of Hythe Beds. However, these deposits can contain ragstone and fissures, which can contain remnants of Early Prehistoric activity. The topography also seems relatively flat and is predominantly heathland, high and well drained soils, with remnant evidence of ancient woodland and field boundaries. Such areas would be favourable for prehistoric and later occupation and settlement but also important for grazing and access to resources. The County Council notes that some data from the applicant's assessment seems to suggest possible barrow or mound within the site and this higher ground may be a place of ritual activity.

There have been several archaeological investigations in the surrounding open fields and these have tended to reveal new Bronze Age and Iron Age settlement sites. There are Roman sites in the area, including East Malling Roman villa and Roman settlement to the east and north, and there is potential for isolated farms, settlements or burial sites.

Some of the surrounding historic farm complexes, some of which still contain designated historic buildings, may be of Medieval origins. To the south of the site, within Well Wood, is a rectangular enclosure considered to be a Medieval settlement site. Remains associated with this medieval site could extend into the southern part of the development site.

The late 19<sup>th</sup>/early 20<sup>th</sup> century OS maps indicate orchards and horticultural use, but parts of the site may contain remnants of field systems and designed landscape. Early OS maps clearly show an avenue extending south from Preston Hall, medieval and Post Medieval high status residence. Although much of this avenue has been lost, it's alignment is still reflected through footpaths and property boundaries. This avenue alignment would be worthy of being part of a positive heritage measure and be established as a historic footpath in the proposed landscape plan.

The proposed westerly access road extends past the East Malling Research Centre. This was an important 20<sup>th</sup> century research facility which led the way in innovations in transport and preservation of food products, particularly fruit, and was a national focus for horticultural research and experimentation measures. The buildings and research facilities are of heritage interest. They need to be considered as part of this major development because the development could have an impact on the setting of the EMRC, with the loss of the extensive horticultural landscape.

In view of the limited extent of known HER data, the archaeological assessment is inadequate without some element of supporting data from fieldwork. The County Council recommends a geophysical survey and targeted archaeological trenching is undertaken to ensure the archaeological assessment is meaningful. For example, the assessment notes a possible mound in a corner close to Deadmans Wood and this could be a barrow. The County Council suggests it is essential to understand if a cemetery site is within the application site. Predetermination evaluation work is highlighted in paragraph 200 of the NPPF.

### *Archaeological Landscapes*

In view of the low level of past development on this site, there is high potential for the field systems to reflect post medieval or earlier origins. The lanes, footpaths, hedgerows, etc.

may have Medieval origins. Furthermore, given the proximity of the East Malling Roman villa and the Iron Age activity known to the east, some of the field systems may have Roman or prehistoric origins.

Preston Hall manorial complex and high status house was situated to the north but its associated designed landscape, including carriage rides, pastoral and agricultural activities, would have extended south into the proposed development site, such as an avenue of trees, marked on early OS maps and partly surviving. As such there is potential for archaeological landscape remnants of importance.

The early OS maps and Tithe Maps provide some indication of past activities and land uses, some of which may seem obvious but others, such as Deadmans Wood, are less clear. Semi-natural ancient woodland can contain physical evidence of post medieval or earlier woodland industries, for example charcoal burning, saw pits, wood banks etc.. Interpretation of the landscape is essential to inform potential as well as gaining an understanding of the archaeological resource. The County Council notes the proposed retention of Deadmans Wood, with a fence around it, but there still needs to be assessment of the archaeological resource within it, partly to inform the potential for archaeology adjacent and partly to inform a heritage interpretation strategy. This major residential development will have an impact on the woodland.

### *Built Environment*

Although the PDA does not contain any designated historic buildings, the proposed scheme is likely to have an impact on East Malling medieval village, St James Church and several nearby historic farm complexes. St James Church has a very sensitive setting, character and possible "lost" associated remains. Detailed assessment of the impact from the proposed westerly access road and the increased traffic through East Malling, especially towards the station, needs to be undertaken to ensure assessment of impacts are clear and mitigation is appropriate.

This issue was raised before and the archaeological assessment does consider the westerly access but there is still no reasonable assessment of impacts on East Malling medieval village.

### *Assessment*

The County Council recognises that this outline application is supported by assessment of archaeology and heritage issues. Chapter 15 Vol 1 ES provides a brief summary of cultural heritage but there is some mention of heritage in the Planning Statement and Design and Access Statement. There is no fieldwork data to support the desk-based work and as such the archaeological assessment is not definitive or sound.

In general, the Desk Based Assessment and Environmental Statement assessment provide a useful summary of the archaeological potential but are insufficient in depth and understanding of the known and potential archaeological resource of the PDA. Chapter 15 tends to focus on archaeological landscape issues and the consideration of potential for buried archaeology is extremely limited. The County Council notes that some issues have

been raised before and have been considered but there are still some issues which need further assessment prior to determination of this application. A fundamental flaw is the lack of supporting fieldwork data. As such the archaeological assessment is not yet of sufficient depth to provide reasonable guidance on archaeological issues.

In view of this the County Council recommends the following further assessments are essential prior to determination of this application:

- Greater in-depth assessment of designated heritage assets of St James Church and East Malling Roman villa and their settings, in view of their close proximity to the proposed access to New Road. Historic England needs to be consulted on this scheme with particular clarity needed on the western access route;
- A specialist geoarchaeological and Palaeolithic assessment;
- An additional Archaeological Landscape Assessment for ERMC to ensure the impact on the setting and significance of ERMC is fully understood;
- A Geophysical Survey in view of the limited nature of HER and the size of this proposed development; and
- Targeted fieldwork, including consideration of targeted trial trenches to “ground truth”, desk-based and geophysical survey data. This would ensure the archaeological assessment is evidence-based and suitable mitigation can be proposed.

The County Council recommends the above further archaeological assessment is necessary pre-determination to ensure the archaeological assessment is sound for such a major application and that it provides meaningful evidence-based mitigation. Once a fully informed archaeological assessment has been achieved, archaeological mitigation could be addressed through suitable conditions. At the appropriate time, the County Council would like to recommend suitable conditions (such as AR5 and AR1 for geo-archaeological work).

Once a robust and comprehensive archaeological assessment has been achieved, the County Council would welcome discussions on positive heritage measures to support this major development. At present, the applicant is not proposing any heritage benefits. There are opportunities to utilise heritage to enhance the development’s landscape masterplan and to ensure there is raised awareness, understanding and enjoyment of the local heritage of the site. In accordance with Section 16 of the NPPF, such major developments need to take into account the local heritage and provide enhancement measures.

There are opportunities for heritage enhancement measures for this major development, although it would be preferable for such measures to be suitably informed. Preliminary recommendations for positive heritage measures could include:

- Reflecting historic landscape features in the landscape design, such as the Preston Hall access avenue designed as a footpath, interpretation for Deadman’s

Wood, retention of archaeologically important hedgerows and field boundaries and retention of footpaths identifiable on early OS map;

- Interpretation measures where the access road runs past EMRC; and
- Interpretation measures where the access road runs past the East Malling Roman villa.

Such positive measures could be addressed through a condition although it would be preferable to have a specific heritage interpretation measures item in a S106 Agreement.

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

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

Yours sincerely,



**Simon Jones**

Corporate Director – Growth, Environment and Transport

Encs:

Appendix 1: Kent County Council PRow response dated 11.04.2024

Appendix 2: Education Assessment / New School Land costs

Appendix 3: Communities Infrastructure Assessment

Appendix 4: Social Care Assessment

Appendix 5: Waste Assessment

Appendix 6: Kent County Council Minerals and Waste response dated 19.04.2024

Appendix 7: Kent County Council SuDS response dated 17.04.2024