



BY EMAIL ONLY
Karen.britton@maidstone.gov.uk

**Growth, Environment
& Transport**

Sessions House
MAIDSTONE
Kent ME14 1XQ

Phone:
Ask for: Simon Jones
Email: simon.jones@kent.gov.uk

20th March 2024

Dear Karen,

**Full Council - Kent County Council's Report of the Cabinet held on 19th March 2024 –
Item 10 Maidstone Borough Local Plan review 2021-38 Adoption**

I am writing following the decision made by the Cabinet last night. Whilst the County Council appreciate that Members considered the correspondence before them, we remain concerned that the issues raised in the letter were not fully taken into account, in agreeing to recommend to Full Council that the Local Plan should be adopted.

Firstly, in response to this, the County Council would ask that the letter sent to the Cabinet on 19th March (as attached) is made available to the Full Council tonight, so it is aware of the full consequences of adopting the Local Plan.

The County Council would also like to clarify some of the points raised at the Cabinet, which will hopefully aid Maidstone Borough Council in making its decision:

- Adoption of the Local Plan
- Funding towards education infrastructure
- Education Support Grant

Please see the County Council's response to these:

[Adoption of the Local Plan](#)

Firstly, the County Council appreciated the recognition by the Cabinet that our Authorities need to work together to continue to discuss these matters and 'iron out' any issues. The County Council is, however, of the view that issues raised in our letter (dated 19th March 2024) will not

be best addressed through adopting the Local Plan. This is because the policies in the Plan do not provide an adequate framework for securing or funding a school and once adopted, cannot be changed without the Plan being further reviewed. Therefore, if the policy wording is not changed, the Local Plan would leave secondary school students around the Maidstone area with no school places and the larger garden settlements with no sustainable transport options in the early stages of delivery.

Funding Towards Education Infrastructure

It was noted at the Cabinet meeting that Members questioned whether there was any 'slack' in the system to provide additional school places. The County Council confirms that for the September 2024 Year 7 entry, every single non-selective secondary school place in Maidstone Borough was offered. There is no flexibility for any growth in the system.

To provide clarification around the Developer Contribution discussions, the County Council confirms that all income through Section 106 Agreements is secured towards specific projects and cannot be spent outside the individual agreements. Also, no monies received through the Community Infrastructure Levy have been spent or allocated towards secondary education. It is the view of the County Council that there is currently no 'slack' in the system. The issue is clear and immediate and we would welcome the opportunity to look at how we address this through the Local Plan.

Education Support Grant

It was also noted the Cabinet discussed whether there may be a surplus of funding available through the Education Support Grant. The County Council is not aware of such funding but does receive funding through the Basic Needs funding.

To clarify, Basic Need funding is allocated by Government on the basis of a comparison of school capacity (not pupil admission numbers) against forecast mainstream pupil numbers from reception year to year 11, uplifted to provide a 2 per cent operating margin. Where capacity is lower than forecast, the DfE provides funding towards the gap.

When establishing new school provision, the County Council incurs the capital costs at the outset of mitigating a forecast place deficit e.g. constructing a school. The Basic Need formula does not account for this and provides the Council with funding for places in an incremental way over a longer period of time, potentially over a decade. Paragraph 11 of the Government Guidance 'Securing developer contributions for education' outlines that:

'The DfE's Basic Need grant, free schools programme and other capital funding do not negate housing developers' responsibility to mitigate the impact of their development on education.'

Whilst there are significant concerns regarding the funding framework the Local Plan sets out, regardless of funding the policies of the Plan do not enable a school to be delivered in a way to ensure growth in the Borough is sustainable.

The County Council would also ask that these clarifications are put before Full Council tonight and would welcome the opportunity to continue to work through these issues to help support the Local Plan.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Simon Jones', is enclosed in a light grey rectangular box.

Simon Jones
Corporate Director of Growth, Environment and Transport
