



**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](mailto:simon.jones@kent.gov.uk)

19 March 2024

Dear Karen

**Kent County Council's response to the Cabinet Meeting – 19<sup>th</sup> March 2024 – Item 18  
Maidstone Borough Local Plan review 2021-38 Adoption**

I am writing in response to the Planning Inspector's report to Maidstone Borough Council (MBC) and the recommendation to adopt the Local Plan, in the report which is being presented to the Borough Council's Cabinet on 19<sup>th</sup> March 2024 under Item 18. We would ask that this letter be put before the Cabinet tonight.

Kent County Council, during the whole Local Plan process, has consistently raised concerns in regard to the impact of proposed growth on the provision of a secondary school places in the Maidstone area and the timing of the delivery of sustainable forms of transport.

It is the County Council's view that these concerns have not been adequately addressed and 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, in order to help create sustainable transport travel patterns.

Kent County Council would therefore respectfully ask that the Cabinet does not adopt the Local Plan and seeks to work with the County Council to ensure that the education and highways issues raised below are adequately addressed to ensure the best possible outcomes for our residents, businesses and communities.

Please see the areas of concern laid out as follows:

## Education Provision

Kent County Council has consistently raised concerns regarding the impact of the growth proposed, particularly around the Maidstone area, on the need for a clear and deliverable site for a new secondary school. The County Council is of the view that the Local Plan does not adequately establish a framework for the school to be located or to secure the necessary funding.

The County Council seeks to work collaboratively with all Districts and Boroughs in Kent so that growth in the County is supported by the necessary infrastructure to ensure that there will be sufficient school places in the future. Throughout each stage of the Plan's formation, the County Council has set out the impact of the proposed growth and the necessary infrastructure to accommodate the pupils; however, the Local Plan does not adequately secure sufficient school places. The consequences of this could be that Maidstone resident children could, in future, be required to travel significantly further distances elsewhere in the county to gain a school place or that County Council is unable to meet its statutory duty of providing each child a place that requires one within the Local Authority area.

The only way to meet the scale of the demand generated by the Local Plan will be through the establishment of two new secondary schools; one to meet the demand directly generated by the new community at Heathlands and the other to act as strategic provision to provide places for all other growth proposed within the Borough. The County Council has consistently set out its serious concerns that the Local Plan does not secure a clear and deliverable site for a new secondary school outside of Heathlands, to support the rest of the Borough.

For the September 2024 Year 7 entry, every single non-selective secondary school place in Maidstone Borough was offered. Consequently, there is no surplus or slack and any increase in demand for secondary pupils will require mitigation.

ONS published data shows that in the year ending June 2022, there was net migration into Maidstone Borough of over 1,000 children. This level of net migration is far greater than any other area of the county and has been facilitated by the construction of new homes. Over 500 of these children were primary school aged and will require a secondary school place within the next five years. The housing trajectory of the Local Plan does not forecast significantly lower levels of housebuilding through the plan period than have been delivered in recent years. It is therefore reasonable to expect this level of inward migration of school aged pupils to continue in future.

This means that over a secondary school's worth of children could become resident in the Borough every year in addition to those pupils who have been born in the Borough, the number of which has significantly increased on average in the past decade compared to the previous. The compounding effect of more children being born in the area and significant numbers of children born elsewhere moving into the Borough means that the need for significantly more secondary school places. This is not a long-term possibility for which there is a decade to consider, it is a necessity within the short term and must be planned for now. It is therefore unclear why the Borough Council has not attempted to secure this necessary provision within the Local Plan.

The indicative infrastructure schedule for Policy LPRSP4(A) 5 Invicta Barracks lists a new secondary school as being provided by 2037, this could be up to a decade too late. The likely need for a new school to be delivered prior to the MoD vacating the site and it becoming available was known to the Borough Council prior to submission of the Local Plan for Examination. It is unclear why the Borough Council has continued to progress with its allocation in this form.

Para 15 of policy LPRSP5 also conditions the inclusion of the school site within the proposed allocation subject to a continuing review of future educational need in Maidstone Borough. It also requires an ongoing assessment of other sites in and around the town centre with the scope to accommodate some or all of the educational need. It is the County Council's view that the need has been firmly established, has not been disproved and the policy provides no criteria for how such a review should take place, by whom, or what actions should be taken on conclusion of the review. It is the County Council's role to address the need and this is not reflected in the wording of the policy. This approach is therefore ineffective and seriously detrimental to the sustainability of the Borough. The referenced 'ongoing assessment of other sites' has been questioned by the County Council a number of times and it is understood the Borough Council is not conducting such an assessment and does not intend to. Therefore, reference to this within the policy is, at best, ineffective and, at worst, misleading.

Even if the policy allowed for the construction of a school and the site was available within appropriate timescales, there is doubt regarding 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 area has steep gradient changes, existing residential development which would require demolition and a significantly sized area of mature woodland within it to be cleared. The knock-on effects of the construction of a more expensive secondary school than would ordinarily be required should be for the Local Plan's viability assessment to be reflect that cost, as all contributing development will carry a greater cost burden, this has however 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. 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 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.

In conclusion, the level of growth within the Borough will necessitate the establishment of a new secondary school and the Local Plan does not secure it. This conclusion, its impact and all technical analysis has been provided to MBC Officers over the last four years and can be found in the Examination Library. At certain points in time, it had been agreed by Borough

Council representatives that the relevant policy would be worded differently and it is unclear to the County Council why this was not taken forward.

Should the Local Plan be adopted as proposed, the County Council would not be able to state if, and how, any additional secondary school pupils arising from development would be provided with a school place. In these circumstances, the County Council, as Local Education Authority would strongly advise that the Borough Council considers refusing all planning applications that will have an implication on education provision until a clear and deliverable plan is established.

#### Comments from the Highway Authority

The County Council, as the Local Highway Authority, is concerned that the timing of the more sustainable transport provision, namely the train station and bus routes at Heathlands, are provided at a later date than requested by the County Council and will therefore not be in place at the right time to secure sustainable travel patterns.

#### **Heathlands**

In particular, it is noted in the policies put forward for Heathlands that Phase 1 delivery of the rail station is at 1,310 homes. This is now proposed at a later stage than the 629 homes originally proposed. The County Council had consistently argued the necessity of early delivery, to establish sustainable transport patterns for residents and to support the development.

The revision to require delivery of the north-west access in Phase 1 of Heathlands is welcomed, as is the acknowledgement that this is required to facilitate bus diversions. The concern with the Main Modification (MM) is that, despite the reference to early delivery, Phase 1 could enable up to 1,310 homes to be delivered in advance of the buses being diverted. This is later than the 629 homes that had previously been indicated in ED59 and supported by the County Council.

The MM has retained the requirement for bus links to the District Centre to be delivered in Phase 3. They are not therefore in place at the time the District Centre is completed at Phase 2, which was requested by the County Council in order to ensure that the buses would be used at an early stage and create a more sustainable pattern of use.

#### **Lidsing**

As the Local Plan does not reject the local mitigation scheme proposed by MBC for M2 J3, the County Council's ability to secure strategic mitigation through contributions to help deliver the County Council's major improvement scheme is significantly weakened. The County Council is working with National Highways to make significant improvements to Junction 3 of the M2 which would have a significant benefit to the residents of Maidstone and the surrounding area. The Local Highway Authority is therefore concerned that the local mitigation put forward in the Local Plan could weaken the ability to secure contributions towards this significant scheme and would ask that amendments are made to address this.

### **Invicta Barracks**

The County Council is concerned that the retention of the reference to A229 mitigations in Phase 2, as this would compromise the County Council's ability to require such measures in Phase 1. This would mean that mitigations would not be introduced at the right time, to the detriment of road users.

### **Land at Pested Bars Road**

The County Council considers that the increase to this allocation from 196 dwellings to 300 dwellings will further erode the additional highway capacity created by the Sutton Road schemes referred to in paragraph 261 of the Inspector's Report. The County Council is yet to identify a workable scheme for the Willington Street/Wallis Avenue junction that is supported by Elected Members so further housing growth on this congested corridor remains a problematic issue. The County Council would therefore ask that further discussions are had between both Authorities to ensure that this issue is adequately addressed in the Local Plan.

I trust that the above explains the County Council's clear concerns with Maidstone's Local Plan as recommended for adoption. We would therefore ask that the Local Plan is not adopted and that further discussions take place to ensure that these issues are adequately addressed. This will ensure that the growth put forward is sustainable, that adequate secondary school places are provided through the Local Plan and that the growth proposed will not have a detrimental impact on the local highway network, in order to benefit the residents, business and communities of the Borough and wider county.

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 written over a light blue rectangular background.

Simon Jones  
Corporate Director of Growth, Environment and Transport

---