



## Growth, Environment & Transport

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### BY EMAIL ONLY

8 March 2023

Dear Louise,

### Re: Kent County Council Written Statement to the Examination (Stage 2) of the Maidstone Borough Council Local Plan Review

Thank you for inviting Kent County Council (the County Council) to submit a Written Hearing Statement to the Examination (Stage 2) of the Maidstone Borough Council (MBC) Local Plan Review.

In summary, the County Council would raise the following key issues, which are provided in more detail where relevant within this Statement:

- a) **Local Highway Authority:** The County Council, as Local Highway Authority, would draw attention to challenges currently being faced in preparing this Hearing Statement, in particular when considering Matter 9 Transport, Infrastructure and Plan Viability. At the point of preparing this Hearing Statement, the County Council as Local Highway Authority is awaiting evidence from the Borough Council as Local Planning Authority (LPA) relating to the three key sites – Heathlands Garden Settlement, Invicta Barracks and Lidsing Garden Settlement. Evidence is awaited around the identification of the impacts of each development on the road network, and whether the impacts result in the need to develop a mitigation package. The County Council would also seek to ensure that the mitigation needed could be implemented. There is an additional requirement for the identified schemes to be included in the Infrastructure Delivery Plan. The County Council may seek to update this position subject to the resolution of the matters raised within this Hearing Statement and prior engagement with the Maidstone Local Plan Examination (ID 12574140).
- b) **Local Education Authority:** The County Council considers that secondary education provision is an essential form of infrastructure that is required to support sustainable growth in the Borough. It is considered by the County Council that secondary education

provision must be established to mitigate the impact of the growth in the Local Plan and provide adequate facilities to serve the new communities. It is the view of the County Council that the Plan does not currently seek to do this in an effective way. The current approach is likely to lead to unsustainable development that is not supported by the necessary infrastructure. If not secured properly through the Local Plan, this is likely to lead to a number of children without school places, in the near future. This would not be consistent with national policy and could lead to the Plan being unsound.

The County Council has raised significant concerns regarding matters of effectiveness. The County Council seeks that the Plan fully allocates two secondary school sites within policy and ensures that those school sites are suitable for their intended use and available when they are needed. There is not forecast to be any available secondary school capacity for the pupil product arising from proposed growth in the Plan without additional school places being established.

The two largest secondary education infrastructure projects to support the Plan are the establishment of a new secondary school within the proposed garden community of Heathlands and a secondary school to provide the necessary provision to meet the need arising from growth proposed outside of the Heathlands development - Maidstone Borough Council proposes this secondary school to be established at Invicta Barracks.

The County Council has raised concerns about the policies within the Plan associated with both these new schools, in particular the proposed timing of the provision and the overall deliverability of what must be considered essential pieces of infrastructure required to support the whole Plan and ensure it is sound; without which the effects of growth will go unmitigated, representing unsustainable growth.

Representations to these policies have been made through the County Council's responses to the Regulation 19 consultation (and the preceding consultations) and are also explored within the Written Statements submitted to the Examination regarding Questions 2.15, 3.21 and 4.18 of the Stage 1 Hearings (ID1257414). Following conclusion of the Stage 1 Hearings the County Council submitted a letter dated 19<sup>th</sup> December 2022, summarising that the concerns it had previously submitted as part of both the consultation and examination processes remained.

The Inspector's letter of response of 20<sup>th</sup> December 2022 states that the County Council have had sufficient opportunity to attend and be represented at the recent hearing sessions and that if there were concerns about the information in the Maidstone Council hearing statements relating to education provision at Heathlands and Invicta Barracks, these should have been raised at the relevant hearing sessions at which the County Council was represented. The County Council fully appreciates this judgement but wishes to take the opportunity to express that the statement of concerns were formally submitted in writing and should be given due regard under Regulation 23 of the 2021 Local Plan Regulations. It is also understood that parties are discouraged from simply repeating matters in person that have been raised within written submissions.

As it will have been noted from the County Council's letter of 19<sup>th</sup> December 2022, the concerns raised by the County Council were in the process of being addressed through the drafting of co-produced modifications to the relevant policies; however these were then not submitted to the Inspector at examination by the Borough Council. The County Council appreciates that it is not for the Inspector to comment on the conduct of parties outside of the examination process, however the County Council hopes that it is recognised that given the apparent advanced level of agreement on policy modifications that the County Council chose to refrain from expending public funding on senior officer attendance and associated advocates on matters which appeared to be resolved.

The County Council, as Local Education Authority continues to discuss matters with the Borough Council and the County Council is hopeful that the Borough Council will propose modifications that will address the concerns raised; however the purpose of this letter is to submit Kent County Council's Statements in response to the Matters, Issues and Questions for the second stage of the examination process and formally notify you that the County Council will wish to fully and actively participate in all remaining stages of the process (including appearing at the Stage 2 Hearings) if the serious concerns it has repeatedly raised remain unmitigated.

- c) Minerals and Waste Planning Authority:** The County Council as Minerals and Waste Planning Authority has agreed a Statement of Common Ground with Maidstone Borough Council (ED65) in respect of Minerals and Waste matters at the Heathlands Garden Settlement proposal. The County Council signed this Statement of Common Ground on 8 November 2022. The matters agreed within this Statement of Common Ground remain relevant to this Local Plan examination but have not been repeated within this Hearing Statement. It is requested that if any changes are made to the Minerals and Waste matters then the County Council still has the right to comment on these matters and would ask to be informed of any such changes.

The County Council, as Local Education Authority, Local Highway Authority as well as in consideration of the Council's responsibilities for Community Learning, Libraries, Youth Services, Waste and Adult Social Care provides the following response in respect of the Matters Issues and Questions (MIQ) provided on 5 February 20223 (ED72).

## **Matter 6 Housing Proposals – Maidstone Urban Area**

### **Issue 1 Housing Sites in Maidstone Town Centre and Urban Area**

#### **LPRSA366 Springfield Tower, Royal Engineers Road**

*Q6.14 Is the proposed policy framework for Springfield Tower at LPRSA366 justified having particular regard to the highway network? Is the proposed additional text in LPRSUB011 necessary for soundness?*

## Local Highway Authority:

- 6.14.1. The County Council regards the proposed additional text in LPRSUB011 to be overtly focused on the internal confines of the site in how it requires the development design to complement and enable local improvements to the A229.
- 6.14.2. The County Council requests that the policy is further expanded to state that off-site improvements to the A229 corridor should be provided to achieve safe and convenient accessibility for all users, including pedestrians, cyclists and public transport users, and mitigate any wider transport impacts, subject to the findings of any Transport Assessment. This amendment will ensure compliance with paragraph 110 of the NPPF.

## **Issue 2 Housing Sites at Edge of Maidstone**

### **LPRSA172 Land North of Sutton Road (West of Rumwood Court)**

### **LPRSA270 Land at Pested Bars Road**

### **LPRSA362 Maidstone Police HQ Site, Sutton Road**

*Q6.18, Q6.30 and Q6.33 In combination with existing committed growth on the Sutton Road corridor and proposed allocations at LPRSA270 and LPRSA362 would residual cumulative impacts on the road network meet the 'severe' threshold in the terms at paragraph 111 of the National Planning Policy Framework? Is the allocation deliverable on the basis of the policy requirement to secure prior agreement with the Local Highway Authority regarding any requirements for off-site highway improvements or mitigation, including proposed measures set out at part 3 of Policy LPRSP3?*

## Local Highway Authority:

- 6.18.1. The County Council's response on the Regulation 19 Local Plan Review consultation outlined how the inclusion of three land allocations (LPRSA172, LPRSA362 and LPRSA270) along the Sutton Road corridor would be expected to result in worsening congestion and increased journey times during peak periods. This accounted for existing committed growth and the constraints that exist within the Maidstone urban area, which limit the scope for capacity improvements to mitigate the impacts of additional traffic.
- 6.18.2. The County Council raised objections to the three land allocations as it regarded the cumulative impacts to fall within the definition of severe in the context of paragraph 111 of the National Planning Policy Framework.
- 6.18.3. Policy LPRSP3 identifies the Borough Council's expectation that mitigation will be achieved through '*junction improvements on the A274 Sutton Road incorporating bus prioritisation measures, the installation of an extended bus lane in Sutton Road, together with improved pedestrian and cycle access*'. These interventions rely on

additional and reallocated roadspace being provided on Sutton Road, which forms the principal A274 route running through south-eastern Maidstone.

- 6.18.4. It is noted that the Infrastructure Delivery Plan (LPR 5.3) encapsulates the above highway mitigations in items HTSE1, HTSE2, HTSE6 and states that they are of essential or critical priority.
- 6.18.5. The County Council is progressing schemes on the A274 to provide additional capacity at the junctions with the A229 (Wheatsheaf) and Willington Street/Wallis Avenue. Phase one of the Wheatsheaf scheme, an experimental Traffic Regulation Order for the closure of Cranborne Avenue has been completed. The second phase, which involves the demolition of the pub and construction of the new junction, is scheduled to commence in Spring 2023. The Willington Street/Wallis Avenue scheme is currently on hold, pending the identification of an arrangement that is acceptable to County Council and Borough Council Members.
- 6.18.6. The schemes, once implemented, will optimise the operation of the Sutton Road corridor by providing improved journey time reliability for all road users. They will also ensure the network is more resilient to the effects of committed housing growth, which has been concentrated along the Sutton Road corridor and is already substantially implemented.
- 6.18.7. The junction schemes do not currently incorporate new bus lane provision along Sutton Road or any additional capacity that could be necessary to accommodate the traffic associated with the three land allocations.
- 6.18.8. The County Council therefore maintains the view that there is no evidence available to demonstrate that the full scope of mitigation identified in Policy LPRSP3 can be delivered. This also means that there is no evidence to demonstrate that the requirements of policies LPRSA172, LPRSA362 and LPRSA270 regarding mitigation of impact on Sutton Road are achievable.
- 6.18.9. As a result, the County Council remains concerned that the impacts of the allocations will be severe in the context of paragraphs 110 and 111 of the NPPF and objects to their inclusion in the Local Plan Review.

## **Matter 9 Transport, Infrastructure and Plan Viability**

### **Issue 2: Whether the Plan makes adequate provision of infrastructure to support sustainable growth and protection of community facilities**

*Q9.8 With reference to the latest Infrastructure Delivery Plan [LPR5.3] and Integrated Transport Strategy [LPR1.64], is the Plan based on a sound assessment of existing infrastructure capacity and future infrastructure requirements to ensure the plan's growth would be sustainable?*

## Local Highway Authority:

- 9.8.1. The Local Planning Authority and scheme promoters are continuing to progress identifying appropriate and proportionate measures to mitigate the impact cumulative impact of the local plan allocations as well as measures specific to the two garden settlements and Invicta Barracks. As the Local Highway Authority, the County Council is working closely with all parties to develop this evidence base however a sound evidence base is unavailable to date. As schemes are identified and recommended it is expected they would feature in an updated Infrastructure Delivery Plan and Integrated Transport Strategy as appropriate. Therefore, as currently submitted, the Infrastructure Delivery Plan (LPR5.3) and the Integrated Transport Strategy LPR1.64 do not include the future infrastructure requirements necessary that would ensure the plan's growth is delivered in a sustainable manner.
- 9.8.2. Without this evidence and information, the impact of the growth on the highway network cannot be fully understood nor whether the mitigation proposed is acceptable or viable against other policies in the plan. It is therefore considered without this information that the plan is unsound. As the policies remain unjustified and it is not proven that they are effective based on the information that the County Council currently has.

*Q9.9 Is there a reasonable prospect that infrastructure deficits and requirements can be addressed through a combination of the funding programmes of infrastructure providers, other delivery organisations and through the use of developer contributions and Community Infrastructure Levy?*

## Local Highway Authority:

- 9.9.1. As the required infrastructure schemes have not been identified, it remains unclear whether the funding to deliver them is achievable within the viability of key sites or by funding mechanisms open to the LPA. Trigger points and phasing of delivery have not yet been identified and this could play a role in determining the appropriate funding mechanism at any point across the plan period. It is therefore not possible to determine the prospect whether infrastructure deficits and requirements can be addressed accordingly.
- 9.9.2. Without the key infrastructure and its funding being identified, and without viability of these schemes being taken into account, it is considered that without this information that the plan is unsound. This is because the policies remain unjustified and it is not proven that they are effective based on the information that the County Council currently has.

## Local Education Authority:

- 9.9.3. Kent County Council considers that, without modification to the Plan, there **is no reasonable prospect** that infrastructure deficits in relation to education provision can be addressed through a combination of the funding programmes of infrastructure providers or through the use of developer contributions and the Community

Infrastructure Levy. The impact of this may be to significantly diminish the soundness of the Plan and is sufficiently serious to justify a finding that the Plan is unsound.

## *Invicta Barracks*

- 9.9.4. The County Council's concerns regard insufficiency of infrastructure provision to support the Plan and not just infrastructure to support residential proposals at Invicta Barracks in isolation.
- 9.9.5. There is a pressing need for additional secondary school places within the Borough. There are eight schools in the Maidstone non-selective planning group: Cornwallis Academy, The Lenham School, Maplesden Noakes School, New Line Learning Academy, School of Science and Technology, St. Augustine Academy, St. Simon Stock Catholic School and Valley Park School. The total number of applications for entry to these schools in September 2023 was significantly more than their combined Published Admission Numbers. The County Council sought to increase the number of places offered by these schools to ensure every child had an offer of a school place this year. The County Council has permanently expanded a number of these schools and is in the process of working with schools and academy trusts to create additional permanent provision through expansion of the remaining schools where it is feasible to do so.
- 9.9.6. The County Council has published its commissioning intention to establish a new secondary school within the Borough from 2027 to 2030 to ensure a sufficient number of places are available. There is no alternative to the establishment of a new secondary school; all feasible expansions will have been undertaken. It is essential the Plan fully allocates a secondary school site within policy and ensures that the site is suitable and available when needed to support this evidenced need.
- 9.9.7. The County Council raised strong concerns that the submitted plan did not appropriately secure the provision of a secondary school to ensure that the proposed growth within the Borough would be sustainable.
- 9.9.8. The Inspector's letter of 11 January 2023 at Paragraph 5.31 considers the proposed policy for Invicta Barracks (Policy LPRSP5(b)) and concludes:

*The capacity of the wider site is also affected by the potential to deliver a new through-school including additional secondary school capacity to potentially support this site but mainly for the benefit of other development in the town.*

*Whilst the need and timing of the school is likely to be the subject of further work and scrutiny, a suitably worded proposed main modification would support the principle of its delivery at this location, whilst giving suitable flexibility for alternative uses should the school use no longer be required. I recommend this as part of the schedule of proposed main modifications as confirmed in the latest statement of common ground with the Defence Infrastructure Organisation in document ED63.*

- 9.9.9. With further recommendation at Paragraph 5.33

*All of the proposed modifications for Invicta Barracks set out in LPRSUB011, with subsequent updating through the Statement of Common Ground [ED63] and discussion at Day 11 of the hearings, would be main modifications and therefore necessary for soundness.*

- 9.9.10. These modifications are entirely inadequate to address the County Council's concerns: Firstly, the County Council wishes to again respond to the suggestion that the need for the school should be subject to "further work and scrutiny". The perceived notion that the need for a secondary school has not already been conclusively established is wrong. Kent County Council as Local Education Authority has consistently stated that a secondary school **will** be required, and all supporting information has been provided to evidence this. The Borough Council is not actively considering any other location for the establishment of this essential infrastructure within or outside of the Plan and therefore the related policy within Policy LPRSP5(b) **must** be sufficient to make the Plan sustainable and consistent with national policy in ensuring that the established need for the school is met.
- 9.9.11. The County Council cannot locate publicly documented information relating to the discussions that took place at Day 11 of the hearings and what the associated changes to policy would be. The County Council is therefore only able to comment on the effects of the policy as submitted and published with the proposed modifications within LPRSUB011. The County Council understands that further modifications have been placed before the Inspector by the Borough Council and will be consulted on in due course, however the County Council is only able to appraise the policy as publicly documented.
- 9.9.12. The table proposed for modification within LPRSP5(B) Invicta Barracks (1) lists; *Mechanism agreed for comprehensive redevelopment of the wider Invicta Barracks to deliver 1,300 new homes and appropriate education provision as required within Phase 1 (from 2027), secondary school requirement established & land allocated; within Phase 2 (from 2032) and All new education provision completed as appropriate; with Phase 3 (by 2037).*
- 9.9.13. **This is not sufficient**, the secondary school may need to be open by 2027. The policy framework only seeks for a secondary school requirement to be 'established' & land allocated by 2032, five years after the school may need to have been admitting pupils. This is manifestly inadequate.
- 9.9.14. The Borough has proposed a modification:

*New Point 13: Provision of an 8 FE all through school (2FE primary and 6FE secondary) on the wider Invicta Barracks site, subject to continuing review of future educational need in Maidstone Borough and an ongoing assessment of other sites in and around the town centre with the scope to accommodate some or all of the educational need.*



- 9.9.15. The allocation of a secondary school site should not be subject to a further review. As already stated, the need for the secondary school is already firmly established and it should be considered an essential piece of infrastructure necessary to ensure growth is sustainable. The modification fails to secure what is required, namely that the Plan should secure a suitable and deliverable site for the school. If the Borough Council holds doubt that the Invicta Barracks site is not considered to be suitable or capable of delivering a secondary school site at the appropriate time then an alternative should be secured **now**. It is entirely inadequate for other sites to be assessed in parallel; the identification and assessment of suitable sites for infrastructure provision should be conducted prior to the Plan's submission and adoption. However, to the County Council's knowledge no assessment process has been established by the Borough Council and there is certainly no provision elsewhere in the Plan to meet this pressing need.
- 9.9.16. The proposed policy is also silent on which public body would conduct a review and determine the need and timing for a secondary school; if the intention is for the statutory Local Education Authority to provide this function, which it should be, then the policy must be explicit about this. However, for the reasons set out above, there should be no further review of need. The provision for any such further review only leads to delay, uncertainty and room for dispute, in circumstances where the Plan should be providing for a definite need which has already been established.
- 9.9.17. The County Council would wish to see the following detailed within the policy:

*New Point 13: Provision of an 8 FE all through school (2FE primary and 6FE secondary) on the wider Invicta Barracks site, The land allocated should be a bare serviced and accessed land suitable in size, shape and condition for construction of an 8FE all-through school. The site shall be made available within the first phase of the development and capable of being constructed by 2027*

- 9.9.18. This policy is necessary as it ensures that the school is of the correct size required to properly support the growth and need in the Local Plan. It also ensures that the school is delivered at the time it is required. In addition, it also ensures that the site provided is bare and able to be developed quickly. As laid out in Section 9.13.7 below the cost or activity for the school cannot fall onto the County Council. The County Council ask that all of this is taken into account when considering the viability of the Local Plan.

*Heathlands Garden Settlement*

- 9.9.19. The total development is forecast to generate a pupil need of approximately 7 Forms of Entry; the most suitable strategy for meeting that need has been proposed by the County Council as Local Education Authority as a 1FE expansion of an existing school to establish capacity for the first element of housing, followed by the establishment of a new 6FE secondary school.
- 9.9.20. 1FE of provision through the expansion of an existing school would provide secondary school capacity for approximately 700 dwellings. The Plan should

therefore reflect and deliver a framework that would allow the establishment of a new secondary school within the site from the point when 700 dwellings are occupied, should it be necessary to ensure sufficiency of education provision for residents. ED59 LPRS4(A) – Heathlands Garden Settlement – Proposed modifications proposes that '*Secondary school provision [is] delivered as necessary*' within Phase 1 & 2.

9.9.21. The County Council anticipates the new school to be required within this broad period (which includes up to 1,549 homes) but has stated that the policy should be specific and structured to enable the school to be established at the earliest point that it is forecast to be required (700 homes). Without this there will be insufficient school places to serve the proposed new community.

9.9.22. LPRSP4(A) 5. Infrastructure proposes:

*B) A new 5 or 6 form entry Secondary School to be provided on site. The timing of delivery of the secondary school will be subject to need, to be agreed in conjunction with Kent County Council.*

9.9.23. The proposed wording includes an error regarding the size of the school, it must be 6 and not '5 or 6'. The need for a 6 form entry school is firmly established. The wording also indicates that the statutory body responsible for the provision of school places (the Local Education Authority) would not determine when the school would be required, instead that date is to be '*agreed in conjunction with Kent County Council*'. This represents ineffective policy wording that could result in unmitigated and unsustainable development.

#### County Council – Responsibilities for Community Learning, Libraries, Youth Services, Waste and Adult Social Care:

9.9.24. The County Council seeks to demonstrate that one funding stream (of those currently available) is not sufficient in isolation to mitigate the costs of development on infrastructure.

9.9.25. The only way that essential infrastructure costs brought about by development could be fully mitigated is through a combination of the various funding programmes that are available.

9.9.26. In respect of funding mechanisms, whilst not exhaustive, the principal funding mechanisms that are available to mitigate the costs of infrastructure development are:

- **Section 106** Developer Contributions (planning obligations)
- **Community Infrastructure Levy** (CIL planning obligations)
- **Basic Needs Funding** (For Education)– based on a Local Authority's Schools Capacity (SCAP) Return to the DfE, the local authority receives a variable annual sum towards the costs of funding the expansion of existing education infrastructure.

- **WAVE** funding (For Education) is provided by central Government as a pump priming initiative towards the costs of building new schools, and is accessed by local authorities on an 'invitation to bid' basis as and when the scheme is open for bids. Developers will, however, be expected to contribute in the usual way through planning obligations to pay towards the costs of the school or to pay back the Government for its funding intervention.
- 9.9.27. The only realistic way that infrastructure deficits and requirements can be addressed is by:
- The use of Section 106 Developer Contributions as the principal funding mechanism for essential infrastructure such as education, particularly where the LPA ringfences the use of Section 106 for essential infrastructure delivery
  - Where CIL is utilised by the LPA, Section 106 Developer Contributions must be utilised alongside CIL to properly mitigate the costs of infrastructure development. CIL on its own is not sufficient to meet the needs of essential infrastructure investment.
- 9.9.28. For example, Maidstone Borough Council has forecasted that circa £12m of CIL will have been collected by 31 March 2025 and as reported in their 2021/22 IFS the balance from collections between 2018 and 2022 is £3.1m. The cost of building one new 6 FE secondary school in Kent is circa £35 million plus the cost of the land. The County Council has evidenced and advised the Borough Council through this current Local Plan process that new secondary school provision is required. The figures above starkly illustrate that Maidstone's CIL fund cannot meet the development costs of a new school even before consideration of the other community infrastructure demands. In order to do so, MBC would have to ringfence and build up all of its CIL funding to fund the school's development. This is not practical due to the time lag between infrastructure need and CIL receipt. It would also deny the use of CIL funds for other infrastructure needs.
- 9.9.29. The current legislation allows for CIL contributions and Section 106 contributions for the same infrastructure. The County Council's understanding from the submitted Infrastructure Delivery Plan, is that it does not include any double counting and that the approach to fund County Council infrastructure will be through combinations of Section 106 and CIL.
- 9.9.30. The full cost mitigation of infrastructure cannot reasonably happen unless combined funding sources are utilised, with a heavy reliance on Section 106 for strategic infrastructure, and if the proposed local plan evidence has taken account of the full costs of the County Council's (and others') necessary infrastructure.

**Issue 3: Plan-wide Viability**

Q9.13 Taking account of the evidence in the Plan Viability Assessment [document LPR5.1], would the requirements of the policies of the Plan put the viability of its implementation at serious risk? Does the approach to assessing plan viability reflect the guidance in the PPG on 'Viability and Plan Making' (paragraphs 10-001-20190509 – 10-029-20190509)?

**Local Education Authority**

9.13.1. It is absolutely imperative that land allocated for the establishment of any new school is appropriately sized to accommodate a school and that the land is suitable for its construction and adequately serviced. Policy LPRSP5(b) does not seek to require a secondary school site to be of sufficient size, shape or condition. Document ED63 Statement of Common Ground between Maidstone Borough Council and Defence Infrastructure Organisation. Paragraph 2.15 States:

*A detailed masterplan is being progressed jointly by the DIO and MBC, looking at the site holistically, as a comprehensive redevelopment proposal. This "Key Diagram" is included as Appendix 1 of this document.*

9.13.2. The County Council can confirm it has not been consulted as part of this detailed masterplan process with regards to the requirements relating to the necessary school site.

9.13.3. Appendix 1 of ED63 shows the Key Diagram below:



- 9.13.4. This proposes the school site to be within the area shaded blue on the plan. It is noted that this is labelled as '*potential future educational facilities*'.
- 9.13.5. The County Council has raised concerns that the size and shape of this land is not sufficient or appropriate. The component parts of a school are typically formed of rectangular shaped elements, such as playing pitches or buildings; these cannot be squeezed within irregularly sized shapes. School sites must be regularly shaped, the apparent rounded corners and misshaped protrusions do not represent land suitable for a school. Construction of a school on land not suitably shaped would need detailed architectural assessment to determine whether a school could be developed on it and, if it could be, it would without doubt cost significantly more to construct due to design changes deviating from the Government's Baseline design for schools.
- 9.13.6. It is understood from Paragraph 2.12 of ED63 that this area shaded blue corresponds with land ownership boundaries and therefore it may be assumed it has been identified due to ownership or commercial arrangements rather than suitability for a school as the principal concern of the parties. Additionally, the area proposed is not currently bare land or perceived as developable in the short term; the below shows an aerial view:



- 9.13.7. Not only is this area made up of gradient changes, but it also accommodates existing residential development which would require demolition and has a significantly sized area of mature woodland within it which would require full removal. This places doubt about whether the site could ever be used for a school and if it could, significant and

expensive remediation work would be required; the Local Plan Policy must require this of a developer, it cannot be a cost or activity falling on the County Council. The current proposed Policy does not require the site to be transferred to the County Council in a suitable condition or provide any details of how the land can be made into a suitable condition.

- 9.13.8. If this land could be remediated it would take time to do so; this conflicts with the need for a new school early within the plan period and further demonstrates that it is imperative the relevant Plan policies are explicit. The knock-on effect of the construction of a more expensive secondary school than would ordinarily be required is for the Plan's current viability assessment to be inaccurate as all contributing development will carry a greater development cost.
- 9.13.9. Document LPR5.1, the Plan's Viability Assessment, notes that '*Due to the scale of the strategic sites, there are requirements for site infrastructure above and beyond typical external works.*' and that these costs are detailed in Appendix 7 of the same document. It is not clear whether the necessary preparation and remediation of an area of land to provide a school site is included with these costs as Appendix 7 has been comprehensively redacted. It is reasonable to assume that it is unlikely to be the case as Document LPR5.1 is dated September 2021 and the first time the land use plans for LPRSP5(b) are referenced is within Document ED25, dated July 2022. The unknown cost which will have to be borne by all developments within the Plan could place their implementation in serious doubt.
- 9.13.10. Paragraph: 029 Reference ID: 10-029-20190509 of the Government's Guidance for Viability and Plan Making addresses how viability for education provision should be approached:

*When considering viability it is recommended that plan makers and local authorities for education work collaboratively to identify which schools are likely to expand, and where new schools will be needed as a result of planned growth.*

*It is important that costs and land requirements for education provision are known to inform site typologies and site-specific viability assessments, with an initial assumption that development will provide both funding for construction and land for new schools required onsite, commensurate with the level of education need generated by the development.*

*The total cumulative cost of all relevant policies should not be of a scale that will make development unviable. Local planning authorities should set out future spending priorities for developer contributions in an Infrastructure Funding Statement.*

- 9.13.11. It is not evidenced within ED63 or any policy of the Plan that the funding for construction, the land or clearing the land for the new secondary school at Invicta Barracks has been incorporated within the relevant viability assessments, including the plan wide assessment. It is further not demonstrated that the additional cost of

the land for a secondary school will not be of a scale to make development within the Plan unviable.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Simon Jones', is centered below the text. The signature is fluid and cursive, with the first name 'Simon' written in a larger, more prominent script than the surname 'Jones'.

**Simon Jones**

Corporate Director of Growth, Environment and Transport