

Reference number: MA/13/1585

Additional representation from Marden Parish Council:

An additional representation has been received from Marden Parish Council, which raises objection to the omission of contributions towards community facilities in the draft Heads of Terms, specifically a contribution towards the repair of the Marden Memorial Hall roof.

Members will be aware that contributions cannot be sought in order to address pre-existing problems, only to mitigate the additional burden on infrastructure which would result from the development under consideration. In this case, whilst the roof of the hall may require repair, is not a product of the proposal under consideration, and would not result in any additional provision of community facilities which would off set the additional demand for community facilities such as the Memorial Hall which may result from the proposed development. As such the request is not in compliance with the CIL Regulations.

Leaving aside the matter of compliance with the CIL Regulations, the “improvement” of infrastructure such as this is not identified in either the emerging Maidstone Borough Council Local Plan, draft Infrastructure Delivery Plan or draft CIL Charging Schedule, and there is no Development Plan standard for the provision of Community Infrastructure which may potentially have been put towards such improvements. Whilst the aspiration to secure funding for the project is set out in the draft Marden Parish Council Neighbourhood Plan, however this document is at an early stage in its preparation, having not yet been submitted to Maidstone Borough Council for formal public consultation.

There is therefore limited policy support for the request, and the request has not been fully evidenced in respect of need.

Furthermore, the monies requested by the Parish Council in respect of this application have not been sought in relation to any of the other applications for major housing development in Marden, including those on the MAP Depot, Parsonage Farm, Howland Road or Marden Hockey and Cricket Club sites. A precedent has therefore been set, and in the absence of new evidence since the time of the resolution to grant planning permission for this application on 14<sup>th</sup> August 2014, to seek the contributions by way of S106 agreement in respect of this proposal would be inconsistent, and leave the Council open to challenge.

I am aware that discussions have been ongoing between the applicant and Marden Parish Council in respect of the provision of funds for the works, however if the applicant wishes to include this within the scope of the “package” proposed, it would be required to be dealt with separately from the planning process by way of an appropriate legal mechanism between the applicant and Marden Parish Council. However, for the purposes of determining the current application, for the reasons set out above, any such arrangement cannot be taken into consideration as contributions towards the repair of the Marden Memorial Hall are not necessary to make the application acceptable in planning terms, are not compliant with the CIL Regulations, and are not supported by adopted or emerging Development Plan policy.

Recommendation:

Subject to the amendments set out in the previous urgent update, my recommendation remains unchanged.