

Maidstone Borough Council Local Plan Review
Call for Sites – Land North of the Railway, Marden

These representations are made on behalf of Marden Planning Opposition Group (MPOG). MPOG was established in response to proposals being formulated by the owners of land to the north of Marden village and their current draft proposals to develop a significant amount of land, principally for up to 2000 houses with some associated other uses.

MPOG represents the majority of residents in Marden and **strongly objects** to the principle of any proposal to develop more land to the north of the railway line for the following reasons, *inter alia*:

- A substantial portion of the current proposal site (Ref: HO-151) and (Ref: HO3-205) was repeatedly and unsuccessfully promoted previously. Both sites were comprehensively rejected as unsuitable, time and again, by qualified Officers of the Council. Neither site was included within the recently adopted Local Plan. Nothing has changed that would alter Officers' analysis of the land. A planning application on part of Ref: HO-151 was also comprehensively rejected by Officers who cited in their delegated report the complete unsuitability of the location, north of the railway;
- A significant proportion of the land is classified as "best most versatile" Grade 2 land, thereby comprising some of the best farmland in Marden (which is predominantly classified Grade 3). The National Planning Policy Framework (NPPF) 2019 notes at para 170 that: *"Planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – **including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.**"*
- The site in question cannot be considered for a "Garden Community" as confirmed in MBC's own guidance on Garden Communities (New Garden Communities Prospectus – issued early 2019) as it is aimed at attracting ***"new, freestanding settlements or a new neighbourhood created through a major extension to an existing urban area ..."***
 - o The proposals for land north of the railway line cannot in any sense be described as a new, freestanding settlement.
 - o The Government's Planning Portal glossary defines an 'Urban Extension' as ***"...the planned expansion of a city or town..."*** Marden is a comparatively small rural village, defined as a Rural Service Centre in the adopted Local Plan. "Urban" is a defined antonym for "Rural". **Marden is not a city or a town or in any sense an 'existing urban area'.**
- Notwithstanding the misguided approach to extending Marden contrary to MBC's published advice, the 'masterplan' developed by the promoters does not meet any of the tests set out by Government in their guidance on Garden Communities (August

2018 – para13 a-j), replicated in MBC's New Garden Communities Prospectus. The masterplanning (following land ownership and maximising returns to owners) does not provide any form of design principle or philosophy;

- The entire effort is an under-qualified attempt to have land allocated for housing in complete defiance of any established principles and best practice on Garden Communities published by the Town and Country Planning Association, the Ministry of Housing, Communities and Local Government, or MBC. The proposals would utterly fail any objective analysis by Design South East in the context of this guidance or indeed any basic spatial planning principles;
- For these reasons and the points expanded upon below in each section, the proposals at these sites should **again be rejected** by qualified Officers of MBC acting consistently with their long-standing advice to Members that this land is entirely unsustainable (for multiple reasons) and therefore unsuitable for development.

1. Marden - The Current Context

Along with many villages, Marden has witnessed extensive growth and expansion of largely private-sector housing particularly since the early 1990s. With the adoption of the Local Plan, a further five housing allocations were made, totalling some 600 dwellings. In reality, the provisions of the NPPF pre-empted the draft Local Plan and many of these houses are built, albeit with considerable construction ongoing. In general, these infill sites are sustainable; well-located and accessible to existing housing, services and the core of the village and have been well absorbed by the community.

2. The Developers' Proposals – Context and Sub-Text

The promotion of a "Garden Community" on land north of the railway is a recently co-joined attempt by three principal landowners to increase their land value. Previous failed attempts at promotion have been made by individual landowners. The siting of the Marden Sports Club was the first cynical tactic by one of the landowners in a long-term strategy to develop farmland in an inherently unsustainable location. The subsequent refusal by the applicant to provide the essential footpath link from the village to the facility, owing to a simple MBC administrative error on the decision notice, is utterly deplorable, and has left children from the village with no safe way to independently access the facility.

2.1 Previous Site Promotions

The 2016 SHEDLAA confirms that various parcels of land north of the railway line were repeatedly promoted for housing in the period 2013 to 2015, all without success on the basis of harm.

Land to the west of 'The Hollies', Maidstone Road (Ref: HO3-205)

This c. 2 ha site was evaluated by officers in 2014. The site had been promoted for 10-15 dwellings. The Officers' conclusions were as follows:

*"(the)...applicant has deliberately chosen a low-density development of between 10-15 units...**Concern that the site is located north of the railway line which forms a defensible boundary and logical extent to the village.** Hence, development would consolidate the existing sporadic development north of the railway in the countryside."*

(Our emphasis in bold and underlined throughout this document.)

Site rejected.

Land at Church Farm, Maidstone Road (Ref: HO-151)

This larger c. 30 ha site was originally evaluated by officers in 2013. The site had been promoted for 500 or more houses plus retail facilities.

The Council's landscape officer noted:

*This is a substantial, level tract of cultivated land of exiting rural character. **There are expansive, long distance views of the wider countryside, beyond the site boundaries, to the north, west and east from the footpaths which cross the site. The elevated land of the Greensand Ridge can be seen in the far distance in views north.***

Reciprocal views of the site are seen from the north looking south from the same footpaths.

*Leaving Marden heading north along Maidstone Road there is a clear change in character on crossing the railway line to large residential properties set back from the road and again beyond the property The Old Vicarage as the views open out towards and across the site to the west and the wider countryside to the north. **The site is not differentiated in character from the wider countryside it adjoins to the north and east.***

Cont'd

The officer noted in respect of the proposed site's suitability that:

*"The development of this site would result **in a substantial expansion, out of scale with the existing village.***

*The railway line currently acts as a physical limit to the extent of the village to the north east. Beyond this point existing development is limited, being sparsely distributed along Maidstone Road. **Development of the site would introduce an intensive form of development in a location which is physically removed from the existing built up area of the village.***

*A development of this scale could **also adversely impact on the setting of nearby listed properties.** It would be subject to both short- and longer-range views from public footpaths.*

Opportunities for the sustainable connections to the village, needed for a development of this scale, are also limited by the presence of the railway line. Connections could currently only be achieved along Maidstone Road, which does not have pavements north of Highfield House and via the footbridge at Marden railway station.

*This site is **considered unsuitable for development.**"*

Officers' considered conclusions were as follows:

*"...development of this site would result in a substantial expansion of the settlement, **out of scale with the existing village.***

*The railway line currently acts as a physical limit to the extent of the village to the north east. Beyond this point existing development is limited, being sparsely distributed along Maidstone Road. **Development of the site would introduce an intensive form of development in a location which is physically removed from the existing built area of the village.***

A development of this scale could also adversely impact on the setting of nearby listed properties. It would be subject to both short- and longer-range views from public footpaths.

Opportunities for the sustainable connections to the village, needed for a development of this scale, are also limited by the presence of the railway line. Connections could currently only be achieved along Maidstone Road, which does not have pavements north of Highfield House and via the footbridge at Marden railway station.

***This site is considered unsuitable for development.**"*

Site rejected.

The site was resubmitted for consideration in the 2014 'Call for Sites' exercise.

Officers noted that there had been no change in circumstances from the previous submission to warrant a change in their view that the site is considered unsuitable for development.

In October 2015, a smaller proportion of this site was also re-submitted for consideration as an Omission site. Despite the smaller area, Officers concluded that the site remains unsuitable for development.

The Church Farm site was comprehensively rejected, on multiple grounds, by professionally qualified Officers. Nothing about the site's characteristics has changed since it was last considered. **A larger allocation would only amplify the inherent unsuitability.**

Neither land west of "The Hollies", nor land at Church Farm (in any guise) was allocated for development in the adopted Local Plan.

2.2 Planning Application

Land at Church Farm: 16/504584/OUT

In 2016, a planning application was submitted for (*inter alia*) 150 houses. The application received considerable local objection as cited in the officer's delegated report.

Application refused.

In refusing, Officers noted that:

*"This site was included in a larger site as proposed in the SHEDLAA under ref: HO-151 with a proposed yield of 500+. A larger area to the north of the application site was also included in the proposed allocation. **The site was not taken forward by the Council as a draft allocation due to the visual harm on the landscape and unsustainable location.**"*

A subsequent appeal against the refusal was lodged and then abandoned by the applicant.

2.3 The Current Proposals

Landowners have now joined forces in recognition of the failed Church Farm attempts and Firmins' long-term strategy of incrementally urbanising their landholdings north of the railway. The third landowner was required to deliver an access north to Underlyn Lane.

The amalgamation of elements of ownership are now being badged as a "Garden Community" (Countryside Press Release, March 2019) for expedient/opportunistic purposes

only. The proposals bear no relation to other examples of Garden Communities or best practice and will fail the tests set out by Government, the Town and Country Planning Association (TCPA) and the guidance “New Garden Communities Prospectus” published by MBC in early 2019.

3. Planning Guidance for Garden Communities

Garden Communities receive scant reference in the National Planning Policy Framework. Garden Communities are described in a Ministry of Housing, Communities and Local Government (MHCLG) (August 2018) document. That document notes:

- They are not places which just use ‘garden’ as a convenient label;
- They will be holistically planned, self-sustaining and characterful;
- Government expects that they will embrace the key qualities set out at paragraphs 13a-j of their document (considered here in sections 3.1, 3.2 & 3.3)

It is important to note that Central Government will only consider Garden Communities eligible for funding where they are particularly strong in other respects, for example:

- Demonstrating exceptional quality or innovations;
- Development on predominantly brownfield sites;
- Being in an area of particularly high housing demand.

MBC has adopted elements of the MHCLG guidance in its “New Garden Communities Prospectus” issued Spring 2019. The introduction states:

“The council wishes to provide as much guidance as possible to those considering submissions for **urban extensions** and **new settlements**...”

MBC’s advice defines New Garden Communities as being between 1500 and 10000 homes. The advice then states: “**They can be new, freestanding settlements or a new neighbourhood created through a major extension to an existing urban area ...**”

The proposals for land north of the railway line cannot in any sense be described as a new, freestanding settlement.

The Planning Portal glossary defines an ‘Urban Extension’ as:

“...the planned expansion of a **city** or **town**...”

Marden is a comparatively small rural village, defined as a Rural Service Centre in the adopted Local Plan. **Marden is not a city or a town.** As such, and as drafted, MBC’s “New Garden Communities Prospectus” **does not apply** to those seeking to bring forward a planned expansion in a village like Marden – because Marden is not an **“existing urban area”**.

Members/Officers should therefore find the unprecedented and overwhelming public opposition to these proposals unsurprising; a huge annexe is being proposed to a small rural village (effectively doubling it in size and creating a town). This scenario is specifically NOT envisaged by MBC in their interpretation of the MHCLG guidance on seeking proposals for a new Garden Community.

Irrespective of the inapplicability of the Guidance to Rural Service Centres such as Marden, the proposals as drafted cannot be regarded as a 'masterplan' in any professional sense and a review of the information the landowners' agent discussed with Members (Members Briefing – February 2019) do not meet the following MHCLG paragraph 13 tests, as transposed in the MBC guidance in early 2019:

3.1 Clear Identity

The area put forward has no identity in its own right and nor does it seek to create one. It crudely and unsuccessfully seeks to borrow identity from the established core of a small rural village and simply colours 2000 houses onto the land with no thought as to containment or defensive boundaries.

The outline masterplan and associated briefing document constitutes an obvious and unsophisticated attempt to simply 'mirror' the existing built form of the village in order to maximise landowner opportunity. The overriding brief to the 'masterplanner' has been to maximise land value increases for three principal landowners, hence the unconstrained and sprawling nature of the plan. Professional Officers of the Council will be aware that masterplanning on this scale should be holistic and informed by key planning principles from the outset, and absolutely not undertaken on the basis of land ownership. Attempts to include Firmin land east of Maidstone Road are particularly unsophisticated, obvious and crude, and the odd-shaped incursion of housing into the Carpenter land to the west is a blatant attempt to ensure this third landowner receives a share of any land uplift values.

No defensible boundaries are identified or suggested, with development avariciously proposed beyond an established northern tree line. The potential for further future sprawl into the open countryside, towards Maidstone, was clearly the underlying brief given to the draughtsman.

The proposal offers no clear identity and fails the test set out by MHCLG and MBC.

3.2 Sustainable Scale

Government guidance notes that any New Garden Community should be built at a scale that supports the necessary infrastructure to allow the community to function **self-sufficiently** on a day-to-day basis, with the capacity for future growth to meet the evolving housing and economic needs of the local area.

The Members Briefing supplied by the landowners' agent states that Marden is suitable for a New Garden Community **particularly because of** the existing employment, community and healthcare facilities. The proposal specifically seeks to take resource that exists and

functions well currently for the existing village. That runs diametrically counter to the MHCLG guidance on self-sufficiency.

During construction, the Garden Community residents would be fully dependent on the existing village's facilities, which are already under strain. Once constructed, if the Garden Community were to be genuinely self-sustaining, it would compete directly with Marden's businesses and services.

The proposal is clearly not self-sufficient and fails the test set out by MHCLG and MBC.

3.3. Strong Local Vision and Engagement

MHCLG requires New Garden Community proposals to be designed and executed with the engagement and involvement of the existing local community. Additionally, the MBC brochure states that the qualities of Garden Communities include "strong local vision and engagement" and that "local community engagement, involvement and support [from people who will be most closely impacted by the new garden community proposal] is also likely to be instrumental to delivering a successful proposal."

This proposal has generated substantial and overwhelming local opposition – unsurprising given the Garden Community proposals amount to an opportunistic and out of scale annexe to a small rural village, which was never the situation envisaged in the government nor MBC policy on the same.

The MPOG Facebook group currently has c.1100 members. A petition (stating that the signees DO NOT share the vision of the landowners, DO NOT support the proposal, and WILL NOT engage or be involved in the creation of a Garden Community in or around Marden village) has to date been signed by c. 2500 petitioners. Door-to-door activity is ongoing to ensure the petition is representative of the whole village; to date, fewer than 1% of households called on have declined to sign (mainly citing conflicts of interest with the landowners/their agents). A 'March for Marden' on 18 May was attended by c. 2000 villagers, and Marden has been festooned in hundreds of opposition banners and window signs. The actions of this opposition has generated considerable local and national press, radio and television coverage.

A proposal cannot and will not carry a local vision in a village where the existing residents refuse to engage with the concept in any way, shape or form.

The proposal fails the test set out by MHCLG and MBC.

4. Transport

4.1 Permeability and Accessibility

The MHCLG guidance promotes "public transport, walking and cycling so that settlements are **easy to navigate and facilitate simple and sustainable access** to jobs, education and services".

An immutable and ineradicable constraint faced by any development north of the railway line is the railway line itself.

The Members Briefing document curiously (and meaninglessly) describes the railway line as “*a buffer and an opportunity*”. MBC Officers have consistently and rightly regarded it only as a constraint to development.

The railway line prevents any northern expansion of Marden from ever successfully integrating with the existing village, given all passage by foot/car/bus/haulage/cycle needs to cross the trainline to do so. The lack of permeability would inevitably and unavoidably lead to an ‘Old Marden/New Marden’ divide (especially given the huge local opposition to this proposal), which is contrary to any number of wider national policies on sustainability and quality place-making. For this reason (and many others) MBC Officers have consistently rejected any development north of the railway at plan-making and application stages. There would be **only two means (reducing to one) of accessing the existing village from the new community:**

- Via a narrow and non-standard railway bridge over Maidstone Road with no means of creating acceptable footways (or an acceptable width of carriageway) per the Design Manual for Roads and Bridges; and
- Via a new planned access to the ‘down’ platform at the railway station and then via a footbridge, with no consent from Network Rail for non-travelling passengers to be on this railway property and with the safety issues their presence and passage on this pedestrian short-cut would pose. (This route would be ultimately be extinguished, when Southeastern roll out ticket barriers at the station, thereby reducing the connection point with the existing village to one.)

To access the (limited range of) existing employment allocation on Pattenden Lane would be comparatively complicated, needlessly convoluted and objectively unsustainable. Access would have to be taken on foot via the footbridge and back under the railway bridge on Pattenden Lane or via Maidstone Road, through the village and back out again. There is no ‘simple and sustainable’ access to a range of jobs.

A proposal which seeks to create a settlement bisected by a railway with only one, single substandard, third-party-owned bridge to accommodate all movements – school children, other pedestrians, cars, bicycles, buses and large haulage vehicles, or a dangerous short-cut using a railway footbridge, platform and car park – ***is inherently irresponsible.***

4.2 Off-Site Implications

A review of the masterplan identifies that there are no new roads to be provided into the village. As such the route into the current village of Marden will remain over the railway either via the most direct option of Maidstone Road or via Underlyn Lane then Pattenden Lane. The Maidstone Road route is constrained by the railway bridge which, if adequate

pedestrian facilities are to be provided, will be subject to signal controlled one-way working.

The development proposes a new route north out of the development via a new access onto Underlyn Lane, intended to be facilitated by the Carpenter land. However, given the extra distance involved, this is unlikely to reassign the majority of development traffic who are heading south or south-west. This clearly presents a capacity issue both in terms of the routes over the railway line and within the existing village itself. (An additional 'relief road' linking Underlyn Lane and Maidstone Road offers no relief other than bypassing the principal residence of the Firmin landowner involved.)

A review of the refused 150-unit scheme (LPA Ref: 16/504584/OUT) identifies that it assigned traffic broadly 50/50 north and south. Applying the same distribution to the development of 2000 homes will see considerable traffic volumes heading along routes where priority-controlled traffic on Maidstone Road will need to apply. In terms of all vehicles generated by the development and likely to head to/from the south (i.e. through the existing village via the Maidstone Road railway bridge) this is likely to equate to more than 500 vehicles in the morning and evening peaks and in excess of 5000 vehicles per day.

Given the pinch points that exist entering and within the existing village (e.g. Maidstone Road/High Street junction, Howland Road), and which will be impossible to mitigate, these will present significant challenges to the network in terms of capacity and delay.

With regard to the previous 150-unit scheme, Marden Parish Council expressed concern regarding the difficulty of integrating the proposed development into the village in terms of both pedestrian/cycle and highway links. The proposed narrowing of Maidstone Road to provide adequate pedestrian facilities was, sensibly, described as 'counter-intuitive'.

4.2.3 Impact on the A229 Corridor

The response to the refused 150-unit scheme (LPA Ref: 16/504584/OUT) by the highway authority (KCC) identifies that:

*"It is evident that congestion on the A229 corridor is likely to be worsened, although KCC Highways are not able to conclude that it will result in conditions that could be described as a severe impact on congestion or safety. **However, your Members should be made aware that the residual impact of this development is likely to be characterised by additional local traffic generation and some consequent increase in congestion, which the applicant cannot fully mitigate.**"*

KCC's view was that c. 60 peak trips on the A229 corridor could not be fully mitigated. The extra trips associated with 2000 houses will certainly not be mitigated, and as such would have a significant effect on congestion and safety.

5. Summary & Conclusions

These representations demonstrate that the current proposals are nothing more than a fresh and very weak attempt by landowners to join forces and “green badge” the doubling in size of a rural village as a “Garden Community”, for expedient means, in a bid to have land allocated in an unpopular and unsustainable open countryside location. This is despite guidance from MBC that impliedly does not envisage rural villages as suitable locations for such development. All of this is contrary to national policy and guidance, and the authority's own analysis of a significant element of the proposal site, again endorsed by Officers as recently as 2016.

Nothing has changed on the ground since 2016 other than the scale of the promotion. This proposal fails multiple tests as outlined above. It cannot overcome the location-specific constraints which Officers have identified time and again. A larger proposal will only exacerbate and magnify the negative impacts which have been consistently identified as overriding and immutable constraints to development north of the railway, by MBC Officers, to date.

MPOG respectfully urges Officers and Members, in accordance with your own Garden Community guidance, to disqualify Marden as a location for a Garden Community, and to continue to reject development on land north of the railway on the basis of the sound technical and overruling negative assessments prepared in respect of this location in recent years.