

Response to ABC Cultural and Environmental Services officer's email of the – 29.06.2020

Ashford Borough Councils Cultural and Environmental Services officer has made several detailed comments on planning application 19.01788/AS following their initial email of the 17th March 2020.

The following seeks to respond to the comments received on the 29th June 2020. It encompasses:

- A detailed statement from the Land Trust;
- A suggested Section 106 Drafting Rider for Sports Facilities prepared by DAC Beachcroft;
- A Draft Community Users Agreement and
- A Draft Sports Facilities Operator Appointment Plan.

Together with the following it is hoped that these demonstrate Wates commitment to the provision, management and maintenance of the proposed county park and sports facilities proposed within this development and how this application seeks to accord with Ashford Borough Councils recreation and open space policies.

1 Sports provision

1.1 An important point to note on the proposed sports facilities at Appledore Road is that the need has been identified by Ashford Borough Council and Tenterden Town Council. The Playing Pitch Strategy (PPS) (ABC, 2017), provides an Action Plan to “*Ensure that the current and future demand for sports and recreation are planned for holistically and that the needs of the current and growing population of Ashford Borough can be fully met.*” From the perspective of football, the PPS identifies a range of ‘Strategic Priorities’ across the Borough. These include:

- 1) Protect all pitches unless suitable equivalents or better replacements are provided.
- 2) Ensure formal Community Use Agreements are in place for all 3G pitches on education sites.
- 3) Support junior clubs with facility management and improvement and ensure security of tenure.
- 4) Engage with FA Pitch Improvement Programme resulting in improvements to playing fields.
- 5) Improve non-playing facilities, i.e. changing rooms, parking, and access. **The need for a new clubhouse in Tenterden is identified.**
- 6) Provide three new 3G pitches, including one at Homewood School in Tenterden.
- 7) **Grass pitch shortfalls identified across the Borough** – including:
 - a) **Need for further junior 11v11 pitches in Tenterden. Identifies Homewood School (3G) and Appledore Road as venues.**
 - b) **Shortfall of 9.5 junior 9v9 match equivalent sessions.**
 - c) Current demand for mini soccer pitches can be met through a combination of 3G pitches, improvements to existing sites and reconfiguration. Small projected shortfalls in the future.

1.2 Whilst, a 3G pitch has been built at Homewood School and Sixth Form Centre, thereby delivering one of the key Tenterden priorities (6), the identified need for more increased grass pitch capacity (7a & 7b) and a new club house building remains unaddressed (5). The development will address these outstanding Strategic Priorities, as well as being entirely consistent with Strategic Priority 1.

1.3 In addition to the above, as of June 2019 Tenterden no longer has any affiliated junior football teams; and Tenterden Town Council's plans for the redevelopment of the Recreation Ground do not envisage retention of the football pitch, traditionally used by Tenterden Town FC. The proposed facilities at Appledore Road would thus provide a home for these teams.

Furthermore, whilst Tenterden Town FC can use the Homewood School 3G pitch as a home ground, this pitch and ancillary facilities do not comply with the Ground Grading criteria required for Clubs at Step 7 of the National League System pyramid. This would therefore prevent the club from being promoted to the Kent County Football League Premier Division if an alternative venue is not available. As set out in the Sports Facilities Supporting Statement the proposed facilities at Appledore Road have been designed to meet this standard.

- 1.4 The findings of the Tenterden Town Council's Sports Facilities Strategy (April 2014) identify a number of issues for football in Tenterden which remain outstanding. These include:
- **The need for a new home ground for Tenterden Tigers (juniors)**
 - **The need for improved drainage at all natural turf pitch sites in Tenterden**
 - **Need for renewal or replacement of the pavilion at the Recreation Ground**
 - Tenterden Town FC's aspiration to play in the Kent County Football League Premier Division.

The proposed development at Appledore Road would address all of these issues

- 1.5 Kent FA and Sport England are supportive of these proposals based on the need and provision of facilities proposed. The proposed facilities also do not require funding from the Football Foundation. When considering community facilities, it is not uncommon for an end user to come forward once planning permission has been granted. An identified local need for the facilities coupled with suitable conditioning/S106 provides a suitable mechanism for the facilities to be delivered and managed and agreed by the local planning authority.
- 1.6 However the attached documents seek to demonstrate the approach for the management of the sports provision and provide the assurance ABC require from the Land Trust. In essence the Land Trust, or some other charity or public body whose objectives include holding and managing community assets and public open spaces on behalf of and for the benefit of local communities, will take on the freehold and oversee the management of the sports facilities and open spaces in the same way an Estate Management Body would act. Concurrently, with the transfer of the freehold, the Estate Management Body would receive a one off capital payment that would be used as an investment to fund the renewal of the facilities in perpetuity. This ensures that a single, capable Estate Management Body, can take responsibility for the overall management and stewardship of the site. The Estate Management Body would then carry out an approved Operator appointment process to identify a suitable Community Operator to undertake day-to-day management, operation and annual maintenance of the facilities. The day to day operations will be carried out, having regard to appropriate agreements and the terms of the Draft Sports Facilities Operator Appointment Plan, underpinned by a Community Use Agreement.
- 1.7 This approach is designed to ensure that overarching responsibility for the facilities rests with an Estate Management Body, such as the Land Trust, in perpetuity, helping to secure community access and long-term maintenance.
- 1.8 The Estate Management Body would have the ability, in perpetuity, to cover off replacement and revamp costs, using the endowment as a sinking fund for any work which is needed. In the event of the situations where an operator cannot be identified for a period of time, or if the operator changes hands or if the operator does not meet the management objectives, the Estate Management Body would take on the annual maintenance responsibility, funded through the endowment.
- 1.9 The information provided separately by the Land Trust demonstrates the financial strength and experience of the organisation, with a track record of successful use of the endowment model.

1.10 The Draft Sports Facilities Operator Appointment Plan, draft Community Use Agreement and suggested Section 106 Drafting Rider for Sports Facilities demonstrate how these facilities can be delivered and managed on a daily basis.

1.11 In the context of the above, and having regard to the Sport England model conditions and their statutory response of the 7th February 2020, I can advise that Wates would be happy to discuss the following conditions further with officers of ABC in order to demonstrate their commitment to both the delivery and suitable management strategy for the sports facilities:

1. The 1 x 11v11 Adult Football Pitch on field F10 shall be provided in accordance with the details set out in the planning application, sports facilities supporting statement and appendices and drawing nos. RD1686_P_007 P1, L100 P1, L104 P1, 7657-03 01D, 03-02F and 03-03F and be made available for use before the first occupation of the development hereby permitted, or in accordance with a timescale to be otherwise agreed in writing by the LPA in consultation with Sport England; and the 1 x 9v9 Junior Football Pitch, 1 x 7v7 Mini Soccer Pitch (55m x 37m) and 2 x 5v5 Mini Soccer Pitch (37m x 28m each) on field F14, new sport pavilion and associated car parking shall be provided in accordance with the details set out in the planning application, sports facilities supporting statement and appendices and drawing nos. RD1686_P_007 P1, L100 P1, L104 P1, 7657-03 01D, 03-02F and 03-03F and be made available for use before the 50th occupation of the residential dwellings hereby permitted, or in accordance with a timescale to be otherwise agreed in writing by the LPA in consultation with Sport England.

Reason: To ensure the sports facilities including the pitch required as compensatory provision are satisfactory and fit for purpose, available for use within an agreed timescale and to accord with Development Plan Policy

2. No development of the playing pitches shall commence until

i. a detailed design specification for the construction of the playing pitches; and
ii. a scheme for the management and maintenance of playing field drainage, including a management and maintenance implementation programme both in accordance with the Amalgamated Feasibility Study undertaken by TGMS Ltd Ref TGMS1044.8 Rev 1 dated May 2018 have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The playing fields shall thereafter be constructed and thereafter managed and maintained in accordance with the approved scheme.

Reason: To ensure that the playing fields are prepared and maintained to an adequate standard and are fit for purpose and to accord with Development Plan Policy

3. Use of the playing pitches and the sports pavilion shall not commence until a Community Use Agreement (or such other form of shared use agreement that may be agreed between the parties), prepared in consultation with Sport England, has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the playing fields and sports pavilion and include details of pricing policy, hours of use, access to users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy

1.12 Turning to the issue of the cut and fill, TGMS are the sports surface consultant for Appledore Road and have completed the work undertaken to date on the proposed

pitches. They have been consulted on the gradients and have advised that of 1:3 and 1:5 are very gentle in terms of pitch works and when blended into the surrounding topography, barely noticeable. TGMS are part of the Labosport Group and PSD, having significant experience in the delivery of sports pitches and working with Sport England. PSD specialises in construction, renovation and maintenance of natural turf surfaces and have lead stadia pitch developments in the UK. As part of PSD, TGMS has an ISO 9001 (quality), ISO 14001 (environment) and BS OHSAS 18001 (health and safety) certified business management system.

- 1.13 In the context of the above, we note that policy IMP4 indicates that where a private management company model is being promoted, as is the case here, it will need to be established and run in a way that is affordable, gives the residents a key governance role and is focused towards the management of the facilities to be delivered by the development. We believe the a detailed statement from the Land Trust, suggested S106 rider for the sports facilities, Draft Sports Facilities Operator Agreement and Draft Community Users Agreement, together with the above demonstrates that what is proposed can be run in a way that is affordable, gives the residents a key governance role and is focused towards the management of the facilities to be delivered, such that it reflects the aims and objectives of policy IMP4.

2 Informal/natural provision

- 2.1 We note and accept that all calculations are based on the current open space SPD and require indexation.

3 Play

- 3.1 We note and accept that all calculations are based on the current open space SPD and require indexation; and that the contributions are the minimum expectation for what should be delivered on site, and not the maximum.

- 3.2 We also note that notwithstanding the Outline LEMP you would like to see more detail secured through a planning condition and Wates are happy to agree this and suggest the following:

'No development shall take place within the country park and the area set aside for the sports facilities (including the sports pitches, pavilion and associated parking area), until a detailed Landscape Management Plan, based on the Outline Landscape Management Plan submitted in support of this application and including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, has been submitted to and approved in writing by the LPA. The landscape management plan for these areas shall be carried out as approved and any subsequent variations shall be agreed in writing by the LPA.'

And

'No development shall take place within the outline application area as defined on plan X until a detailed Landscape Management Plan, based on the Outline Landscape Management Plan submitted in support of this application and including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to and approved in writing by the LPA. The landscape management plan for this area shall be carried out as approved and any subsequent variations shall be agreed in writing by the LPA'

- 3.3 With regard to your request that a condition regarding public consultation be imposed so that the public can inform the final design for play and open space, we would suggest that whilst this is something that we would expect to see happen through the Reserved matters

submission for the residential element of the scheme, and through the councils own consultation on the details submitted pursuant to any conditions imposed on the country park itself, one could look at something along the following lines:

'No development shall commence until details of the play and open space area(s) to be provided on site have been submitted to and approved by the LPA. The details shall include a report that demonstrates the level of public consultation on this matter and how the results of said consultation have influenced the final design of the proposed play and open space area(s), as well as the layout, drainage, equipment, landscaping, fencing, timetable for construction and future management of the areas to be provided. The development shall only be implemented in accordance with the approved details and shall thereafter be retained at all times for their designated use.'

4 Allotments

- 4.1 The council's position in the proposed three-year time limit to identify local need and a project is noted. If ten years is the councils standard Wates will agree to work to this.

5 Strategic Park

- 5.1 No comments required – the position is agreed.

6 Ecology & biodiversity

- 6.1 We are liaising with KCC Ecology on this as the statutory consultee.

7 Management

- 7.1 We trust that the information now provided by the Land Trust and set out above provides sufficient information about their role as future potential landowner and Estate Management Body, as well as how they will initiate community involvement and investment.
- 7.2 Hopefully the draft Sports Facilities Operator Appointment Plan and the draft Community Use Agreement also assist in demonstrating how a suitable organisation will be appointed to operate the proposed pavilion building and associated pitches on a day-to-day basis for use by the local community, the Cadets, and other sports clubs. We note that these documents are in draft form only and the final form of agreements would be subject to Sport England, Ashford Borough Council and Estate Management Body review.
- 7.3 In the context of the above we can confirm that whilst they are unlikely to make use of the proposed facilities themselves, Tenterden Schools Trust have indicated that as part of their general approach to community involvement they would be happy to act as a critical friend to anyone who does take on the management of the sports facilities as and when necessary; providing support and guidance on matters including pricing policy, booking arrangements etc. The Tenterden Schools Trust has been managing lettings for many years in different ways. Homewood School has managed the lettings for the sports hall/gym and the theatre for over 15 years. We do not see this as being anything that requires them to be party to any of the agreements, merely as an indication of the fact there are organisations in Tenterden that are more than ready and able to assist in the delivery of the facilities proposed on this site if and when it receives planning permission.
- 7.3 With regards to the proposed S106 contributions we have updated these so that the maintenance calculation for play is separated out from the open space typology to ensure an adequate maintenance budget. The updated figures are below – we have highlighted the changes for ease:

Updated Position on S106 contributions.

	Capital contribution for on-site provision	Capital contribution for off-site provision	Minimum Commuted maintenance sum for the development based on councils SPD	Notes
Sport	N/A on site	N/a	£283,050.00 ¹	On site provision
Informal/natural ²	90,500.00	N/a	£1,091,112.64 ³	On site provision
Play	135,250.00	N/a		
Allotments	N/a	64,500.00	16,500.00	Off site provision
Strategic Parks	N/a	36,500.00	11,750.00	Off site provision
	225,750.00	101,000.00	1,402,412.64	£1,729,162

Contributions are calculated as per the Public Green Space and Water Environment SPD 2012, and associated appendix (green space cost calculation 2011) and Sport England calculator June 2020.

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		Notes
Maintenance Cost Per Dwelling (10 Years)	£326.00	Taken from Public Green Spaces & Water Environment SPD (Appendix 2)
Per Dwelling Annual Maintenance Cost	£32.60	Dwelling Cost/10 Years
Outdoor Sports Pitches Standard Per Dwelling (M ²)	38.37	Taken from Public Green Spaces & Water Environment SPD (Appendix 2)
Annual Maintenance Cost per M ²	£0.85	Annual Maintenance Cost/Per Dwelling Standard
Annual Maintenance Cost Per Hectare	£8,500.00	Annual Cost per M ² x 10,000
Sports Hub Area in Hectares	3.33	As per Masterplan
Annual Maintenance Cost	£28,305.00	Annual Maintenance Per Hectare x Sports Hub Area
10-Year Sports Pitch Maintenance Contribution	£283,050.00	Annual Cost x 10

² NB this now includes the 5.68ha of Informal Natural Green Space, and the 8.66 ha Country Park identified on plan RD1686_P_L012P1

³ The maintenance contribution for the sports pitches is referenced at Section 2.6 of the Sports Supporting Statement. The table below provides a breakdown of how this has been calculated, updated to 3.33 ha as per the latest figures.

Description	Area (Ha)	Location	SPD Typology	SPD Cost Per Ha	Annual Cost	10-Year Cost
Informal Natural Green Space	5.68	On-Site	Informal/Natural Green Space	£6,738.52	£38,274.79	£382,747.94
Country Park	8.33 0.3 covered below	On-Site	Informal/Natural Green Space	£6,738.52	£54,312.47	£543,124.70
Linear Play Space	0.3	On-Site	Play Areas	£55,080.00	£16,524.00	£165,240.00
TOTAL						£1,091,112.64

8 Arts & Voluntary Sector

- 8.1 The comments at paras 1.18 – 1.21 of the Cultural and Environmental Services Officers comments received on the 29th June 2020, and those set out in the case officer's email of the 10th July are noted and we now have clarity on how the arts contribution of £84,600⁴ has been arrived at. We await clarity on how the requested contributions towards the voluntary sector relates to the contributions set out in the councils S106 proforma, and how in this instance one organisation can benefit from two contributions. As you will appreciate this is required to ensure the scheme complies with paragraph 56 of the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2010. If sufficient information can be provided and the S106 complies with the Regulations then Wates will, I am advised, commit to providing this.

9 Timescales

- 9.1 As discussed Wates are keen that this application is reported to committee on the 19th August 2020. They thus want to agree a position with ABC Cultural Services on the above as soon as possible and would happily arrange a MST meeting if that would assist matters.
- 9.2 Furthermore Wates believe it is imperative that given the issues raised by the Cultural and Environmental Services Officers that discussions with ABC's legal services on the S106 are initiated as soon as possible and would reiterate the fact that Wates are happy to commit to ABC's associated costs accordingly.

⁴ From ABC email of 10.7.2020 – the contribution amounts to £141 per person per house – 250 houses x average occupancy of 2.4 x 141 = 84,600