

**Land at Appledore Road,  
Tenterden – Sports Facilities  
and Open Space Draft Proofs of  
Evidence**

**Appellant: Wates Developments  
Limited**

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**V3.0**

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**Consult QRD**

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## **Experience**

1. Richard Grady will say:
2. I am the Founder and Director of Consult QRD Ltd, a consultancy focused on the development and delivery of viable capital projects in the sport, leisure and community sectors, on behalf of sports clubs, educational bodies and residential and commercial developers.
3. I have over 21-years' experience in the sector, including over 15-years in consultancy. Prior to the establishment of Consult QRD, I worked for Capita Symonds in a consultancy role; for Ealing Borough Council in a project management role and for the Football Foundation in a grant funding assessment role.
4. My work with developers helps clients to navigate the requirements of the planning system, helping to deliver tangible benefits, based on a detailed justification of development proposals within the contexts of the NPPF, Sport England playing fields policy and local planning policies.
5. This support covers both the quantum of facilities to be delivered and the quality, providing advice and guidance on the appropriate specifications for sports and ancillary facilities. The support extends to also cover facility operation, ensuring that community use is secured, and that management is as efficient as possible.
6. Examples of my relevant experience related to both the delivery of sports facilities to support new development, and of ensuring compliance with the NPPF and Sport England Policy Exceptions associated with development on playing field land include:
  - a. **Land at William Morris Close, Oxford. Planning support for residential development on disused playing field land and development of off-site mitigation package in consultation with LPA. On behalf of Cantay Estates.**
  - b. **Land at former St Aubyns School, Brighton. Planning support for partial residential development on disused playing field land and development of on and off-site mitigation packages. On behalf of Fairfax Developments.**
  - c. **Land at former Pelsall Villa FC ground, Walsall. Planning support for commercial development on former semi-professional football ground and development of mitigation package through negotiation with Sport England. On behalf of Aldi Stores Ltd.**

- d. Ingol Village Golf Course redevelopment, Preston. Detailed justification for residential development on former golf course, including preparation of proposals for on-site community playing field provision. On behalf of Deepdale PNE Holdings Limited.
  - e. The Swan School temporary accommodation, Oxford. Development of detailed planning justification for construction of interim accommodation on playing field land. On behalf of the River Learning Trust.
  - f. New sports hall development, Surrey. Development of detailed planning justification for construction of 8-courts sports hall on playing field land. On behalf of Danes Hill School.
  - g. Bushey Wood Development, Kent. Development of proposals for construction of new sports facilities to serve 950-home development, including preparation of justification for development on playing field land and associated mitigation options. On behalf of Trenport Investments.
  - h. Princess Royal Barracks redevelopment, Surrey. Development of detailed proposals for sports facility provision to serve 1,200 home development. On behalf of Skanska Construction UK.
7. I have a detailed understanding of the local sports facilities in the Tenterden area, garnered through my work on the Appledore Road project and through provision of advice to Tenterden Schools Trust in connection with delivery of an Artificial Grass Pitch at Homewood School. That project, partially funded by a Section 106 agreement associated with the TENT1 development, involved extensive discussions with Ashford Borough Council, Tenterden Town Council and Sport England, resulting in the delivery of an investment priority for the town.
8. My work in support of the planning application focused primarily on the following:
- a. The planning implications associated with residential development on a little-used sports pitch (location F13) and the suitability of the proposed new provision (locations F10 and F14).
  - b. The demand generated for various open space typologies, including on-site provision and off-site contributions where relevant; and the investment priorities identified in the Playing Pitch Strategy (PPS), Open Space Strategy (OSS) and other documents.

- c. Ensuring that appropriately detailed site investigations and design feasibilities were completed to ensure that proposals for sports pitch construction were based on a sound understanding of ground conditions and proposing design solutions consistent with relevant guidance.
  - d. Proposals for management, operation and securing community access, ensuring adequate provision for Commuted Maintenance Sums (CMS) in line with local planning policy.
- 9. I have been instructed by Wates Developments Ltd (“the appellant”) to consider the need for the proposed facilities, the suitability of the specification, the delivery timescales and arrangements for operation and management.
- 10. My evidence will demonstrate that the proposed development will result in an improvement in both the quantity and quality of playing field and ancillary facilities, addressing long-standing issues and meeting long-held aspirations for sports pitches in the Tenterden area. Furthermore, it will show that the proposals for appointment of a suitable management organisation are both consistent with relevant policies and Sport England Guidance with a timeframe for appointment of the operator that is both appropriate and consistent with relevant local planning policies.
- 11. This document and appendices comprise my evidence. I confirm that the opinions expressed are my true and professional opinions.

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## **Executive Summary**

### **A. Project Background**

1. Located to the west of the wider development site, the proposed Sports Hub and Country Park (and associated facilities) form the full planning permission aspect submitted in tandem with the outline application for development of up to 145 homes.
2. The proposals for the Sports Hub and Country Park are of the same scale and configuration as that proposed in the earlier planning application for up to 250 homes (19/01788/AS), thereby maintaining the significant community benefit of spaces and ancillary facilities to support formal and informal physical activity as well as delivering a bio-diversity net gain.
3. Currently owned by Tenterden Schools Trust (TST), location F13, is a poor-quality (disused) playing field lacking in ancillary facilities such as changing rooms, adequate access and parking. These matters are considered in Section 4.
4. The condition of the disused sports pitch coupled with the relative distance from the main Homewood School means that the School has not made use of location F13 for the past 10 years. The land is effectively for the private use of the TST, offering no benefit to local sports teams.
5. Post development, the sports facilities will form a hub site located on location F14 (currently grazing land owned by the TST) and location F10.
6. The main site access would pass through location F13, the planning and practical implications of this aspect, including comments from Sport England (the Statutory Consultee) are considered in Section 3.
7. The Sports Hub would have an overall area of 3.33 ha. Approximately 1.7 ha would comprise playing fields, with the remainder comprising the pavilion and surrounds, access, car park and ancillary grass areas surrounding the sports pitches.
8. The proposals for the community provision have been developed to ensure consistency with national and local planning policy requirements, to meet demand generated by the development and to address issues identified in the Ashford Borough Playing Pitch Strategy, Ashford Open Space Strategy and other documents.
9. Of the nine Reasons for Refusal, Reason 6 is of relevance to the provision of sports and other open space typologies.

10. The Proofs of Evidence consider and address the points raised in Reason for Refusal 6, revisiting my earlier Supporting Statement and providing additional information, focusing on:
  - a. The need and demand for the proposed scale and types of community provision (i.e., the Sports Hub and Country Park).
  - b. Community engagement, i.e., with Tenterden Town Council, sports clubs and other stakeholders.
  - c. Governance strategy Part 1 – Facility delivery, i.e., the design and specification of the Sports Hub facilities, the delivery timescales and funding arrangements.
  - d. Governance strategy Part 2 – management arrangements, i.e., the process for appointment of a suitable management organisation and proposals for securing community access.

**B. Need for Proposed Community Provision**

11. When compared to communities of a similar size in Kent, Tenterden is poorly served by sports pitches, accessible to the community. This is perhaps best evidenced by the fact that the largest football club (Tenterden Tigers FC) cannot play in the town due to a lack of pitches.
12. Furthermore, if the Town Council succeeds with its plans to redevelop the Recreation Ground, the adult team (Tenterden Town FC) faces the prospect of being unable to play in the town should it be promoted.
13. The assessment of need for the level of community provision proposed is informed by the following:
  - a. The need to provide replacement sports pitch provision due to construction on the site of the disused football pitch in location F13.
  - b. The need to provide adequate sports pitches to meet demand generated by the development as per local planning policy.
  - c. The need for additional pitches to meet existing shortfalls as identified in local strategic documents.
14. The proposals are compliant with the first two points as they would provide a replacement for the pitch in F13 as well as provision for new residents in line with local policy standards.
15. Furthermore, there is clear and unambiguous evidence of there being a need for the proposed playing fields and ancillary facilities (including the additional mini soccer pitches).

16. This opinion is based on the findings of not only the Playing Pitch Strategy (which Sport England considers should take precedence), but also the Town Council's own Sports Strategy, the Local Football Facility Plan, the minutes of the Town Council Sports Review Committee, the emerging Neighbourhood Plan and in the Town Council's own submission to the Open Space Strategy.
17. In the light of this compelling evidence there is no logical or reasonable rationale to support the assertion in the Reason for Refusal that there is insufficient evidence of there being a need for the Sports Hub.
18. Furthermore, it is clear and obvious that Appledore Road is an appropriate location, evidenced by plans for development of an outdoor sports facility presented to the Sports Review and in the draft Neighbourhood Plan.
19. Turning to the Country Park, this would, in combination with the Sports Hub, act as the Tenterden Strategic Hub, meeting a Strategic Priority of the Open Space Strategy.
20. The proposed community provision would meet clear priorities set out in the NPPF, DCMS policy and Sport England Active Design Guidance, supporting and facilitating opportunities for everyday physical activity through access to the Sports Hub and Country Park, as well as addressing key government priorities related to sport and physical activity that are of increased importance since the Covid-19 pandemic.

### **C. Community Engagement**

21. Despite receiving an initially positive reception from the Town Council and other stakeholders, the period since 2017 has been marked by what could be best described as active disengagement. This is despite local stakeholders considering the proposals to be "ideal".
22. However, as evidenced by early engagement, subsequent correspondence and other relevant information, there is clearly a local understanding of the need for the proposed community provision and strong desire to see them delivered; clearly addressing the point raised in the Reason for Refusal.

### **D. Facility Delivery**

23. The proposals for the design and delivery of the Sports Hub facilities are consistent with relevant Sport England guidance and would deliver a much-improved quality of provision when compared to the disused pitch facility on F13.
24. The condition survey and proposals have been prepared by suitably qualified consultants, with the detailed Feasibility Study to be used as the basis of the final design and specification.

25. As confirmed by Sport England, both the pitches specification and maintenance plans are of an appropriate level of detail for this stage in the development of the project.
26. The proposed facilities would be fully funded and delivered by the developer, resulting in the timely delivery of new facilities of a far better quality than the existing pitch with, for the first time, ancillary changing room and other provision.
27. The fact that the playing field is disused and no longer maintained means that no teams will be affected by any temporary loss of provision during construction. This is to the satisfaction of Sport England.
28. When viewed within the context of the Reason for Refusal, it is clear that the aspects of the governance strategy relating to the delivery of community provision (i.e., type, quantum, specification and timeframe) have already been addressed to an appropriate level of detail.

#### **E. Management Arrangements**

29. The level of detail provided is appropriate for this stage in the development and delivery of the proposals and there is ample time available for the remaining matters to be finalised.
30. The Council has been provided with a draft process for appointment of the operator(s), developed with reference to Policy IMP4 and relevant guidance on the handover of community assets to third party organisations.
31. The Commuted Maintenance Sum provision will, in combination with the Maintenance Report and post-construction Operation & Maintenance manuals, provide a comprehensive package of support for maintenance planning and delivery, safeguarding the quality of the facilities for future generations.
32. Furthermore, community access to the Sports Hub and Country Park would be secured for future generations through a Community Use Agreement and Fields in Trust Deed of Dedication.
33. When considered in the round these factors combine to offer the robust basis of a governance strategy for the future operation as called for in the Reason for Refusal.

#### **F. Conclusions**

34. The proposals clearly address matters raised in Reason for Refusal 6 for the following reasons:

- a. The replacement pitch element of Sports Hub proposals is clearly compliant with the NPPF, Sport England Policy Exceptions and local planning policy as they would provide a replacement for the pitch in F13 of better quality than the existing, in an appropriate location, supported by suitable ancillary facilities. This point is supported by Sport England.
- b. The proposals for pitches to meet demand generated by the development are also consistent with local planning policy as they would provide adequate pitch provision in line with local policy standards.
- c. There is a clearly identified strategic need for the facilities in the Playing Pitch Strategy, Open Space Strategy and Town Council Sports Strategy. This position is supported by Sport England.
- d. As evidenced in the Sports Review minutes, draft Tenterden Neighbourhood Plan and Local Football Facility Plan, there is a locally recognised need for additional sports pitches with projects developed for Appledore Road and Smallhythe Road, with only Appledore Road now having a realistic prospect of delivery.
- e. As stated by Councillor Mike Carter and by local clubs in their views on the Town Council's plans for the Recreation Ground, there is a clear need for additional sports pitches.
- f. The design and specification of the Sports Hub facilities have been prepared by suitably qualified consultants, with the detailed Feasibility Study to be used as the basis of the final design and specification. As confirmed in recent correspondence, the level of detail and the proposed delivery timescales are deemed to be appropriate by Sport England.
- g. The proposed process for appointment of an operator has been prepared with reference to Policy IMP4. There is no policy justification for this to be finalised at this stage, a clear framework and direction of travel has been provided.
- h. The Commuted Maintenance Sum provision will, in combination with the TGMS Maintenance Report and O&M manuals, provide a comprehensive package of support for maintenance planning and delivery.
- i. Finally, the CUA and proposed Fields in Trust Deed of Dedication will safeguard community access to the Sports Hub and Country Park for future generations, ensuring that they remain valuable assets.

## Appendices

- Appendix 1 – Tenterden Schools Trust Letter Regarding Current Use
- Appendix 2 – Natural Turf for Sport Extract Detailing Pitch Carrying Capacity
- Appendix 3 – Sport England Comments on Recreation Ground Proposals
- Appendix 4 – Appledore Road Sports Pitch Plans (2015)
- Appendix 5 – Appledore Road Sports Pitch Plans (Draft Neighbourhood Plan)
- Appendix 6 – Tenterden Sports Review Minutes (February 2021)
- Appendix 7 – Appellant and TTC Diverged Views – Consultee Commentary of Level of Harm
- Appendix 8 – Sport England Correspondence (December 2021)
- Appendix 9 – DCMS Response to House of Commons Digital, Culture, Media and Sport Committee report “Sport in Our Communities” (October 2021).
- Appendix 10 – Tenterden Sports Review Minutes (June 2015)
- Appendix 11 – Letter from Councillor Mike Carter
- Appendix 12 – Football Club Comments on Recreation Ground Proposals
- Appendix 13 – Sports Hub Survey Pack
- Appendix 14 – Country Park Survey Pack
- Appendix 15 – ABC Planning Reference 18/000644/AS: Decision Notice
- Appendix 16 – ABC Planning Reference 18/000644/AS: Schedule 14 of Section 106 Agreement
- Appendix 17 – Construction Programme
- Appendix 18 – Tenterden Schools Trust Letter Regarding Future Use
- Appendix 19 – Fields in Trust Background Information.

# 1 Background

## 1.1 Description of Proposed Development

- 1.1.1 Located to the west of the wider development site, the proposed Sports Hub and Country Park (and associated facilities) form the full planning permission aspect submitted in tandem with the outline application for development of up to 145 homes.
- 1.1.2 Currently owned by Tenterden Schools Trust (TST), location F13, is a poor-quality (disused) playing field lacking in ancillary facilities such as changing rooms, adequate access and parking. These matters are considered in Section 4.
- 1.1.3 The condition of the disused sports pitch coupled with the relative distance from the main Homewood School campus (and associated timetable and safety issues) and the more than adequate provision on the main campus, means that the School has not made use of location F13 for the past 10 years. The goalposts have been removed and it is not maintained as a playing field. This is confirmed in a letter from the Trust's Chief Operating Officer (Appendix 1).
- 1.1.4 There is no current community use of the sports pitch and no Community Use Agreement in place. The land is effectively for the private use of the TST, offering no benefit to local sports teams (see Appendix 1).
- 1.1.5 Post development, the sports facilities will form a hub site located on location F14 (currently grazing land owned by the TST) and location F10 (part of the main land-holding).
- 1.1.6 The main site access would pass through location F13, the planning and practical implications of this aspect, including comments from Sport England (the Statutory Consultee) are considered in Section 3.
- 1.1.7 The Sports Hub would have an overall area of 3.33 ha. Approximately 1.7 ha would comprise playing fields, with the remainder comprising the pavilion and surrounds, access, car park and ancillary grass areas surrounding the sports pitches.
- 1.1.8 The pitch facilities would comprise:
- 1 x 11v11 Adult Football Pitch – playing area of 100m x 64m, overall area (including run-off) of 106m x 70m (7,420m<sup>2</sup>).
  - 1 x 9v9 Junior Football Pitch – playing area of 73m x 46m, overall area (including run-off) of 79m x 52m (4,108m<sup>2</sup>)
  - 1 x 7v7 Mini Soccer Pitch – playing area of 55m x 37m, overall area (including run-off) of 61m x 43m (2,623m<sup>2</sup>)
  - 2 x 5v5 Mini Soccer Pitch – each with a playing area of 37m x 27m and an overall area (including run-off) of 43m x 33m each (total of 2,838m<sup>2</sup>).

- 1.1.9 All playing field dimensions have been taken from The FA Guide to Pitch and Goalpost Dimensions and are the recommended size for the pitch types listed.
- 1.1.10 The Pavilion could also provide a new home for the local cadet force which currently use a dilapidated building on another part of the site.
- 1.1.11 The proposals for the sports facilities have been developed to ensure consistency with national and local planning policy requirements, to meet demand generated by the development and to address issues identified in the Ashford Borough Playing Pitch Strategy 2017 (Core Documents reference 2.21) and other documents. These are explored in more detail in Section 2.
- 1.1.12 Provision of the Country Park would seek to address issues identified in the Ashford OSS, most notably:
- Providing accessible open space, with secured community access.
  - Provision of a site to act as the Tenterden Strategic Hub (in combination with the sports pitches).

## **1.2 Planning History**

- 1.2.1 The proposals for the Sports Hub and Country Park are of the same scale and configuration as that proposed in the earlier planning application for up to 250 homes (19/01788/AS), thereby maintaining the significant community benefit of spaces and ancillary facilities to support formal and informal physical activity as well as delivering a bio-diversity net gain.
- 1.2.2 The Statement of Common Ground submitted in October 2021 contains a comprehensive history of the appeal site. I will rely on this for the Inquiry.
- 1.2.3 The policies and other planning issues of direct relevance to the Sports Hub and Country Park are:
- National Planning Policy Framework (NPPF) Paragraphs 98 and 99.
  - Sport England Playing Fields Policy.
  - Ashford Borough Local Plan 2030 (ABLP) Policies COM1, COM2 and IMP4.
- 1.2.4 Matters associated with the NPPF, Sport England Policy and ABLP Policies COM1 and COM2 are addressed in Sections 2 and 4. Matters associated with ABLP Policy IMP4 are considered in Section 5.

## **1.3 Reasons for Refusal**

- 1.3.1 Of the nine Reasons for Refusal, Reason 6 is of relevance to the provision of sports and other open space typologies, as follows:

*“Policy IMP4 of the adopted Ashford Local Plan 2030 requires proposals that would deliver substantial community space and facilities to be supported by a clear governance strategy which will need to be agreed with the Council. This strategy will need to set out what facilities are to be delivered and by when, and how they will be managed over time to an acceptable standard. The proposals have not provided sufficient information regarding general need, community provision, community engagement and management of the sport, community and open space facilities. Accordingly, the proposals are not considered to fully satisfy the requirements of Policy IMP4 of the adopted Ashford Local Plan 2030.”*

1.3.2 I strongly refute the Council’s assertion that it has been provided with insufficient evidence or information to support the proposals for sports and open space provision. Indeed, much of the information used in my Supporting Statement was produced for the Borough Council or prepared with its involvement. Over the following pages I will consider and address the points raised in Reason for Refusal 6, revisiting my earlier Supporting Statement and providing additional information, focusing on:

- The need and demand for the proposed scale and types of community provision (i.e., the Sports Hub and Country Park).
- Community engagement, i.e., with Tenterden Town Council, sports clubs and other stakeholders.
- Governance strategy Part 1 – Facility delivery, i.e., the design and specification of the Sports Hub facilities, the delivery timescales and funding arrangements.
- Governance strategy Part 2 – management arrangements, i.e., the process for appointment of a suitable management organisation and proposals for securing community access.

## **2 Need for Proposed Community Provision**

### **2.1 Overview**

- 2.1.1 In this section I will address matters associated with the need for the proposed Community Provision.
- 2.1.2 Firstly, I will address matter associated with the level of Sports Hub provision, broken down in to three areas:
- Replacement sports pitch provision.
  - Demand generated by the development.
  - Addressing strategic priorities and meeting local need.
- 2.1.3 Secondly, I will consider the need for the Country Park.
- 2.1.4 Additionally, this section will consider the opportunities that the facilities will offer to deliver a range of healthy living benefits, addressing priorities of the government and sports bodies such as Sport England.

### **2.2 Replacement Sports Pitch Provision**

- 2.2.1 The first need is to provide a replacement for the disused adult pitch currently located on F13.
- 2.2.2 This need arises, because the proposed site access would run through F13, removing the potential for that area to be brought back in to use as a sports facility.
- 2.2.3 The role of Sport England as a Statutory Consultee has been considered throughout the development of options and my advice to the client has consistently been that the development should seek to achieve this compliance through replacement provision on location F10 which has a total area of approximately 1.25 ha, just over one third of the Sports Hub site. F10 would also be the location of the new pavilion building and car park, as illustrated in the Masterplan.
- 2.2.4 Based on formal comments on the planning application (June 2021), Sport England considers the proposed replacement provision to meet the requirements of its Policy Exception 4 and Paragraph 99 of the NPPF (subject to confirmation of the design and specification and Community Use Agreement). For this reason, I also consider this aspect of the Sports Hub proposals to be consistent with Policy COM2.

### **2.3 Sports Pitch Demand Generated by the Development**

- 2.3.1 The second need arises from a requirement to provide adequate provision to meet demand generated by the development, i.e., the quantum of sports pitch area required to serve the outdoor sports needs of the new residents.

- 2.3.2 I note that Policy COM2<sup>1</sup> asks developers to use the “Sports England Calculator” (sic) to calculate the level of demand generated for indoor sports facilities and outdoor playing pitches. However, Sport England’s Sports Facility Calculator is designed for swimming pools, sports halls and Artificial Grass Pitches, not sports pitches. It is therefore not suitable for calculating demand for playing field provision.
- 2.3.3 Therefore, I calculated the appropriate level of playing field provision to satisfy generated demand using the Council’s Public Green Spaces and Water Environment SPD (in common with calculations of demand for other open space typologies). This sets a local standard of provision for outdoor sports pitches of 1.6 ha per 1,000 persons.
- 2.3.4 The SPD states that where outdoor sports provision will be a minimum of 0.4 ha, it should normally be provided on site. Table 1 sets out the demand generated by a development of 145 homes, using the SPD standard of 2.4 residents per residential unit.

**Table 1 – Outdoor Sports Pitch Development Demand**

Units	Residents per Unit	Residents			
145	2.4	348			
Description	SPD Typology	ABC Standard per 1,000 (m <sup>2</sup> )	M <sup>2</sup> per Resident	M <sup>2</sup> Required	Ha Required
Sports Hub	Outdoor Sports Pitches	16,000	16	5,568	0.56

- 2.3.5 This area of 0.56 ha is equivalent to the combined area of the proposed 9v9 youth football pitch and one of the proposed 5v5 mini soccer pitches. These pitches would be located on F14.
- 2.3.6 Using the standards contained within the SPD it is my view that this aspect of the proposals is entirely consistent with Policy COM2.

## 2.4 Addressing Strategic Priorities and Meeting Local Need.

- 2.4.1 As set out above, the means of addressing the first two aspects of Sports Hub provision are well defined in both national and local planning policies. Consequently, the logical basis for any requirement to justify the “general need” for the quantum of sports pitch provision proposed can relate only to:
- 1 x 7v7 Mini Soccer Pitch – playing area of 55m x 37m, overall area (including run-off) of 61m x 43m (2,623m<sup>2</sup>)
  - 1 x 5v5 Mini Soccer Pitch – with a playing area of 37m x 27m and an overall area (including run-off) of 43m x 33m (1,419m<sup>2</sup>).
- 2.4.2 This area of 4,402m<sup>2</sup> is 12% of the overall Sports Hub area. Whilst this may appear to be a small additional area of provision, the benefits are likely to be significant, particularly for junior football.

<sup>1</sup> Ashford Local Plan, Paragraph 10.3.4, page 304 and page 307 (Core Documents reference 2.1).

- 2.4.3 This third aspect of the proposed Sports Hub provision has been developed to address sports facility needs that have remained unaddressed by both the Borough and Town Council for a number of years.
- 2.4.4 My assessment of the need for these pitches has been developed through a review of range of sources set out below.
- 2.4.5 As a starting point I have identified the existing sports pitch provision in Tenterden using the Active Places Power<sup>2</sup> database and further local research. The following sports pitches available for community use:
- Homewood School and Sixth Form Centre - one 3G<sup>3</sup> floodlit artificial grass pitch (AGP) on the main campus
  - Smallhythe Cricket Club (Pickhill) – one cricket square
  - St Michaels Recreation Ground – one junior grass football pitch.
  - Tenterden Recreation Ground – one full-size adult 11v11 grass football pitch
  - Tenterden Cricket Club (Smallhythe Road) – one cricket square.
- 2.4.6 I have not included school pitches in this analysis unless there is secured public access and/or regular use by sports clubs. Consequently, the disused pitch at Appledore Road and those on the main Homewood School campus have been excluded. For the latter, the lack of public use is unsurprising, given the school's pupil roll of over 2,000 and the limited hours of use that can be supported by grass football pitches. As set out in Appendix 2, even a well-drained grass sports pitch can only support 4-6 hours of (adult) use in a typical week<sup>4</sup>. Consequently, school needs are highly likely to mean that community use cannot be supported.
- 2.4.7 To provide further context I have also used the Active Places Power database to provide a high-level comparison of pitch provision in Tenterden with communities in Kent of a similar size. This is set out in Table 2. Population data taken from 2011 Census Key Statistics and Quick Statistics for built-up areas in England and Wales.

**Table 2 – Comparable Settlements in Kent, Sports Pitches**

Settlement	Population	Adult Football	Junior Football	3G Pitch	Cricket
Edenbridge	8,172	5	7		1
Hawkinge	8,002	1	5		1
Paddock Wood	7,840	5	4	1	
King's Hill	7,459	3	6	1	1
Otford	7,155	2	2		3
Tenterden	7,118	1	1	1	2

<sup>2</sup> Sport England's database of playing fields and built sports facilities, updated annually.

<sup>3</sup> A long-pile artificial grass suitable for football.

<sup>4</sup> Source – Natural Turf for Sport (Sport England) Page 27 (Appendix 2 of this document).

- 2.4.8 Whilst this is not a detailed analysis of the demand for facilities, it does highlight the relative paucity of sports pitch provision in the town. Tenterden has the fewest overall number of sports pitches when compared to settlements of a similar size, as well as the fewest junior football pitches<sup>5</sup>. Furthermore, it is not clear if the Town Council is allowing teams to hire the existing pitch at the Recreation Ground during the 2021-22 season, as it develops proposals to reconfigure that site which, if successful, would result in there no longer being any accessible adult grass pitches available in the town.
- 2.4.9 It is important to note that, unlike the Sports Hub proposals for Appledore Road, Sport England maintains an objection to the Town Council's plans for the Recreation Ground (Sport England comments on that project included as Appendix 3).
- 2.4.10 This identification of provision is meaningless without some consideration of demand. To achieve this, I have identified sports teams based in Tenterden using the Kent FA and Kent Cricket team finder tools. This allows me to understand where local clubs and teams are playing. The following teams are based in (or primarily drawn from) the Tenterden area:
- Smallhythe Cricket Club – operating two adult teams. Based in Pickhill.
  - St Michael's Spitfires FC – operating two U10 (7v7) teams. Based at St Michael's Recreation Ground.
  - Tenterden Cricket Club – operating three adult teams and U11, U13 and U15 teams. Based at Smallhythe Road with a second ground at Stone in Oxney.
  - Tenterden Town FC – operating two adult men's teams (first team and reserves). Based at Homewood School 3G pitch.
  - Tenterden FC – operating one adult men's team (Sunday football). Based at Homewood School 3G pitch.
  - Tenterden Tigers FC – operating four teams (U7, U8, U10 and U11). Based at Rolvenden Football Field. Training held at Homewood School 3G pitch.
- 2.4.11 The most obvious need for more sports pitches in the town is evidenced by the fact that the largest local junior football club (Tenterden Tigers) does not play in the town. My understanding is that this is due to a lack of available junior pitches in the town, with the one pitch available used by St Michael's Spitfires FC.
- 2.4.12 Furthermore, whilst Tenterden Town FC can use the 3G pitch at Homewood School in its current league (Kent County Football League Division 1 Central & West), that venue is unsuitable for play at the next level (Kent County Football League Premier Division) due to the dimensions being below the minimum requirements.

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<sup>5</sup> There are no publicly accessible rugby or hockey pitches in Tenterden. These have therefore been excluded from the comparison with other areas.

2.4.13 The Club is currently (as of December 2021) top of its Division, meaning that as of the 2022-23 season there is the very real prospect that it will not be able to play in the town. This position would be permanent should the Town Council be successful in its attempts to redevelop and reconfigure the Recreation Ground without adequate replacement.

2.4.14 Whilst I do not consider the proposals for Appledore Road to be any form of mitigation for redevelopment of the Recreation Ground, they would at least provide a suitable home for adult football in the town in the absence of any plan by the Town Council to do so.

2.4.15 Turning to the strategic evidence base for sports pitch provision in Ashford the importance of the Ashford Borough Council Playing Pitch Strategy 2017-2030 (Core Documents reference 2.21) cannot and should not be underestimated or diminished.

2.4.16 Prepared in accordance with Sport England's Playing Pitch Strategy Guidance the PPS is a background document for the Ashford Local Plan 2030.

2.4.17 The status of the PPS should be viewed within the context of Paragraph 98 of the NPPF which calls for planning policies to:

*"...be based on robust and up-to-date assessments of the needs for open space etc. with specific needs, deficits (both quantitative and qualitative) and surpluses clearly identified."*

2.4.18 General and specific issues identified in the PPS that the proposals would seek to address are:

- Protect all pitches unless suitable equivalents or better replacements are provided (Strategic Priority 1).
- Support junior clubs with facility management and improvement and ensure security of tenure (Strategic Priority 3).
- Improve non-playing facilities (i.e., changing rooms, parking and access). The need for a new clubhouse in Tenterden is identified (Strategic Priority 5).
- Address shortfalls in junior pitches in Ashford and Tenterden specifically, with Appledore Road identified as a possible location (Strategic Priority 8).

2.4.19 These strategic issues identified in the PPS echo those set out in the 2014 Tenterden Town Council Sports Facilities Strategy (Core Documents reference 2.24) and the Open Space Strategy (OSS) (Core Documents reference 2.22).

2.4.20 The Town Council's Strategy identified a number of issues for football in Tenterden, broadly comparable to those in the PPS:

- The need for a new home ground for Tenterden Tigers (juniors)
- Development of a 3G training pitch for junior and adult teams
- 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

- 2.4.21 Aside from the development of the 3G pitch, all the above projects have yet to be delivered, with no deliverable plans in place to make them a reality. The proposed development at Appledore Road would address all the remaining facility needs.
- 2.4.22 Whilst the OSS is less focused on sports provision, it is interesting to note that in response to the research survey for that document, the Town Council stated that *“Outdoor sports pitches are an urgent and important priority”*<sup>6</sup>.
- 2.4.23 The Strategic need for additional pitch provision is clearly supported by the PPS and other documents. However, the most compelling evidence of local demand for increased outdoor sports pitch provision is the number of proposals that have been developed by the Town Council and local clubs in the recent past. Briefly summarised below, these envisaged construction of new pitches at either Appledore Road or Smallhythe Road.
- 2.4.24 Proposals for additional sports pitch provision at Appledore Road were prepared for consideration by the Tenterden Sports Review (a committee of Tenterden Town Council). Plans (dating from 2015) are included as Appendix 4. These illustrate a new pavilion, and the same pitch configuration as that proposed in the appeal scheme. In fact, the appellants proposals for Appledore Road were informed by these plans following my attendance at a meeting of the Sports Review in July 2017. These proposals were subsequently used as the basis of plans included in the Town Council’s draft Neighbourhood Plan; these plans are included as Appendix 5. The Neighbourhood Plan refers to the need for enhanced playing field provision as per the PPS, including the need for additional junior grass pitches<sup>7</sup>. However, it incorrectly identifies Appledore Road as a suitable site for the mitigation of any loss of playing field provision at the Recreation Ground<sup>8</sup>.
- 2.4.25 Subsequently, options were developed for a project to deliver a new adult pitch, a 9v9 pitch and two mini soccer pitches at Smallhythe Road, adjacent to Tenterden Cricket Club. This scheme was identified in the Local Football Facility Plan<sup>9</sup> (LFFP). However, based on the Sports Review minutes of February 2021 (Appendix 6), this project has now been abandoned due to the land being no longer available. The minutes also describe the Wates proposals for Appledore Road as *“ideal”*, whilst noting that they are linked to the residential development.

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<sup>6</sup> Source: Appendix 5 of the Ashford Open Space Strategy (Rural Audit Results), Page 45 (Core Documents reference 2.22).

<sup>7</sup> Tenterden Neighbourhood Plan Evidence: Sport and Recreation Open Spaces, Page 6 (Core Documents reference 2.4).

<sup>8</sup> The Neighbourhood Plan proposals would not form adequate mitigation for development at the Recreation Ground as they would not provide a replacement for that pitch, merely improvements to the disused pitch at Appledore Road.

<sup>9</sup> Investment Strategy prepared by the Football Foundation in consultation with Kent FA, Ashford Borough Council and local football clubs. Published November 2019.

- 2.4.26 The Town Council and local sports clubs have clearly developed projects for additional pitch provision, including at Appledore Road. It is, in my view, therefore incoherent for the former to argue that provision of pitches at Appledore Road would be a “Harm” and that “Over supply would remove the existing ecosystem”<sup>10</sup> (see Appendix 7).
- 2.4.27 Furthermore, Ashford Borough Council was a partner in the development of the LFFP<sup>11</sup>. Senior Ashford Borough Council officers contributed to the development of the document<sup>12</sup>, informing development of the investment portfolio, including the plans to deliver additional pitches at Smallhythe Road. Consequently, there is a clear inconsistency in its position querying the need for additional pitches when the Smallhythe Road project would have resulted in exactly that outcome.
- 2.4.28 The Town Council’s current position is also fundamentally inconsistent with the LFFP proposals for Smallhythe Road that would have resulted in more pitches in the town. The Town Clerk is identified as a consultee, along with the Chairman of Tenterden Tigers FC.
- 2.4.29 The fact that that the Smallhythe Road project is no longer deliverable does not remove the need for the pitches. That need can be met at Appledore Road.
- 2.4.30 To further clarify the importance that should be attached to the PPS and other evidence relating to the need for additional pitches to serve Tenterden, I undertook additional consultation with Sport England in December 2021. This is included as Appendix 8. The relevant extracts are included below:

**Richard Grady, Consult QRD:** *“...can you advise the most appropriate means of demonstrating need for outdoor sports facilities? My understanding is that this would ordinarily be via a Playing Pitch Strategy. Is that correct? It is perhaps also important to highlight the fact that both the Tenterden Town Council Sports Facilities Strategy (2014) and the Local Football Facility Plan identify a need for facilities on a scale comparable to that proposed at Appledore Road.”*

**Jo Edwards, Sport England:** *“Sport England recommends that LAs prepare a Playing Pitch Strategy in accordance with our guidance to meet the requirement identified in paragraph 98 for a robust and up to date assessment of pitch sport provision required. The Council’s PPS 2017 provides a suitable assessment. In addition to the other reports you refer to, the pre submission draft Tenterden Neighbourhood Plan consulted on in June 2021 includes policy TEN NP15’ Site for Recreation Open Space’ that would allocate the Appledore Road Site for additional sports pitches. The supporting text refers to the site accommodating a single senior pitch, a junior 9 aside pitch and three mini pitches with (sensitively designed) change and clubhouse facilities. I recall that is the mix of pitches that the applicant is proposing at the appeal site.”*

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<sup>10</sup> Source: Appellant and TTC Diverged Views – Consultee Commentary of Level of Harm. Balance of Benefit and Harm. Page 2 of 4.

<sup>11</sup> The LFFP (Page 4) states that the document was prepared by Knight Kavanagh and Page (KKP) with support from local partners including Ashford Borough Council, Kent County FA and Kent Sport, as well as other stakeholders (Core Documents reference 2.25).

<sup>12</sup> The LFFP Consultation List references the Ashford Borough Council Senior Planning & Enforcement Officer, Principal Urban Designer and Facility Development Manager (Core Documents reference 2.25).

2.4.31 Sport England's position on need for playing pitch provision and the available evidence clearly supports the approach adopted by the appellant.

## **2.5 Country Park**

- 2.5.1 The proposals for the Country Park have been developed in response to the Ashford OSS. In common with the PPS this forms part of the Local Plan background.
- 2.5.2 It is important to clarify that the Country Park is not intended to function as a Strategic Park. Demand generated for this open space typology would be met via an off-site contribution. Instead, it would address two key issues identified in the OSS.
- 2.5.3 The first relates to the accessibility of informal open space supply in the Borough. The OSS notes that there appears to be an over-supply, particularly in the rural areas. However, it also highlights the fact that this access can be limited due to qualitative factors such as vegetation, typography and management techniques, meaning that the value of the available land is diminished in terms of community benefit.
- 2.5.4 The second relates to Rural Area Strategic Recommendation SRR2, "*Create Tenterden Strategic Hub*". The location of this facility appears not to be determined in the Strategy.
- 2.5.5 In minutes of the Cabinet meeting of 9th November 2017 (Agenda Item 11 – Adoption of the Open Space Strategy (2017-2030)), the Borough Council refers to a need to work in partnership with the Town Council to bring this forward. There is no clear evidence of any progress towards meeting this Strategic Recommendation.
- 2.5.6 By providing a large-scale site combining different open space typologies, the proposals have the very strong potential to provide the location for Tenterden's Strategic Hub.

## **2.6 Delivering Healthy Lifestyle Benefits**

- 2.6.1 In addition to the direct spatial benefits that would be delivered through the sports and open space provision, these would facilitate a range of indirect healthy lifestyle benefits that should be viewed within the contexts of the NPPF, policy of the Department for Digital, Culture, Media and Sport (DCMS) and Sport England Guidance.
- 2.6.2 In developing the proposals, the appellant has sought to identify sport and physical activity priorities that can be delivered by the development, whilst this most notably applies to the Sports Hub, the Country Park will provide accessible opportunities for informal activity.

- 2.6.3 Of additional importance here is the early delivery of the sports and open spaces, thereby increasing opportunities for increased participation at the earliest stages, providing an established setting for potential user groups. As set out in Section 4, this will clearly be the case with the proposals for Appledore Road.
- 2.6.4 The importance of sport and physical activity as part of the wider government agenda, particularly within the context of societal recovery from the Covid-19 pandemic, can be understood from quotes from the Prime Minister and government ministers.
- 2.6.5 Focused on Promoting health and safe communities, Chapter 8 of the NPPF is clearly of relevance here. I have already considered Paragraph 98 and its reference to the importance of robust needs assessment and Paragraph 99 in connection with replacement playing field provision.
- 2.6.6 Additionally, Paragraph 98 highlights the importance of *“access to a network of high-quality open spaces and opportunities for sport and physical activity”* and the role that this network plays in the health and wellbeing of communities, as well as wider benefits in terms of nature and tackling climate change. The proposals for Appledore Road will provide this network on the doorstep of the new residents and within easy access of existing residents.
- 2.6.7 Additionally, the proposals should be viewed within the context of Paragraph 93 of the NPPF, specifically bullet point (b), which calls for planning policies and decisions to *“take account and support the delivery of local strategies and services to improve the health, social and cultural well-being of all sections of the community”*. The proposed open space will, as identified above, deliver strategic priorities identified by both the Borough and Town Councils, offering opportunities for formal and informal sport and physical activity.
- 2.6.8 The DCMS (and wider government) position on the importance of sport and physical activity is best encapsulated in its response to the House of Commons Digital, Culture, Media and Sport Committee report *“Sport in Our Communities”* (October 2021). See Appendix 9.
- 2.6.9 In its response, DCMS highlights the importance of grassroots sport and the need for a varied sports offer, supporting physical activity for all. The position is reinforced by lessons learned through the pandemic about the critical importance that community sport plays in supporting both physical and mental health, as well as strengthening communities and boosting economic development.
- 2.6.10 DCMS sets its comments within the context of *“Sporting Future – a new strategy for an active nation”* and five key outcomes: physical wellbeing, mental wellbeing, individual development, social and community development and economic development.

- 2.6.11 In its response to the committee, DCMS states that government support for the importance of sport and physical activity is further evidenced by the £600 million Sports Survival Package as well as a range of other measures (via Sport England) to support community sports clubs and exercise centres.
- 2.6.12 The proposals for Appledore Road will meet these priorities through the sports pitches, the informal open spaces and the outdoor fitness gym.
- 2.6.13 More generally, the proposals will address many of the principles set out in Sport England's Active Design Guidance<sup>13</sup>, embedding the opportunities for formal and informal sport and physical activity as a key component of the development proposals. This is in clear contrast to the developments at TENT1A and Tilden Gil.
- 2.6.14 The 10 Principles of Active Design are illustrated in Figure 1.

**Figure 1 - The 10 Principles of Active Design**



- 2.6.15 The Active Design Principles that would be delivered by the proposals include:
- Activity for all - Enabling those who want to be active, whilst encouraging those who are inactive to become active.

<sup>13</sup> <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

- Network of multifunctional open space - Providing multifunctional spaces opens up opportunities for sport and physical activity and has numerous wider benefits.
  - Appropriate infrastructure - Providing and facilitating access to facilities and other infrastructure to enable all members of society to take part in sport and physical activity.
  - Active buildings - Providing opportunities for activity inside and around buildings.
  - Management, maintenance, monitoring & evaluation - A high standard of management, maintenance, monitoring and evaluation is essential to ensure the long-term desired functionality of all spaces.
- 2.6.16 Additionally, the development would offer accessible walking and cycling routes within easy access of the town centre, as well as offering a co-located range of facilities offering multiple reasons to visit the site.
- 2.6.17 Finally, the importance of sport and physical activity as part of the government's focus on building a strong post-covid recovery can be understood from the following quotes.
- 2.6.18 Nadine Dorries, Secretary of State for Digital, Culture, Media and Sport's speech to ukactive Conference (13<sup>th</sup> October 2021)<sup>14</sup>:
- "If COVID taught us anything, it's the fundamental role that sport and exercise play in our lives. It's crucial for our general wellbeing - and it was a real wrench when parts of it were taken away from us for months at a time last year.*
- That's why we prioritised sport and physical activity throughout the pandemic. More than £1 billion has gone into supporting the sector through COVID: from the grassroots all the way to the elite level; from South Shields to Penzance.*
- That was during the height of the pandemic. Now comes the recovery - and we'll be putting sport and physical activity at the heart of that, too.*
- I want to use our experiences over the last eighteen months as the trigger for a new generation of physical activity and exercise. Improving the nation's health and wellbeing is vital to reducing the pressure on the NHS, and being physically active is central to that."*
- 2.6.19 Nigel Huddleston, Minister for Sport, Tourism, Heritage and Civil Society, speech to the CEO Forum at the Sport for Development Conference (3<sup>rd</sup> November 2021)<sup>15</sup>:

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<sup>14</sup> <https://www.gov.uk/government/speeches/nadine-dorries-speech-to-ukactive-conference>

<sup>15</sup> <https://www.gov.uk/government/speeches/nigel-huddleston-speech-to-sport-for-development-conference>

*“It has been an incredibly challenging 18 months for the sector...But if COVID has taught me anything, it’s the crucial role that sport and exercise play in our lives. Exercise is so important for our general wellbeing - which is why it was so tough when the strict but necessary restrictions were imposed on us all last year.”*

## **2.7 Summary**

- 2.7.1 When compared to communities of a similar size in Kent, Tenterden is poorly served by sports pitches, accessible to the community. This is perhaps best evidenced by the fact that the largest football club (Tenterden Tigers FC) cannot play in the town due to a lack of pitches.
- 2.7.2 Furthermore, if the Town Council succeeds with its plans to redevelop the Recreation Ground, the adult team (Tenterden Town FC) faces the prospect of being unable to play in the town should it be promoted. Even if that project is not realised, the qualitative issues identified in the PPS and other documents would remain unaddressed.
- 2.7.3 The above provides important local context and it is my view that the matter of need for the Sports Hub facilities should be based on consideration of the following:
- The need to provide replacement sports pitch provision.
  - The need to provide adequate sports pitches to meet demand generated by the development.
  - The need for additional pitches to meet existing shortfalls.
- 2.7.4 It is my considered opinion that the Sports Hub proposals are clearly policy compliant in that they would provide a replacement for the pitch in F13 as well as provision for new residents in line with local policy standards.
- 2.7.5 Furthermore, there is clear and unambiguous evidence of there being a need for the proposed playing fields and ancillary facilities (including the additional mini soccer pitches).
- 2.7.6 Based on comments from Sport England, the Borough Council’s own PPS (which forms part of the Local Plan) should clearly take precedence when considering this matter. However, there is an unambiguous, long identified and continuing need to provide additional playing fields to serve the needs of the people of Tenterden.
- 2.7.7 My opinion is based on the findings of not only the PPS, but also the Town Council’s Strategy, the LFFP, the minutes of the Sports Review, the emerging Neighbourhood Plan and in the Town Council’s own submission to the OSS.
- 2.7.8 In the light of this compelling evidence there is no logical or reasonable rationale to support the assertion in the Reason for Refusal that there is insufficient evidence of there being a need for the Sports Hub.

- 2.7.9 Furthermore, it is clear and obvious that Appledore Road is an appropriate location, evidenced by plans presented to the Sports Review and in the draft Neighbourhood Plan.
- 2.7.10 Turning to the Country Park, this would, in combination with the Sports Hub, act as the Tenterden Strategic Hub, meeting a Strategic Priority of the OSS.
- 2.7.11 The proposed community provision would meet clear priorities set out in the NPPF, DCMS policy and Sport England Active Design Guidance, supporting and facilitating opportunities for everyday physical activity through access to the Sports Hub and Country Park.
- 2.7.12 Finally, the network of sports and open space facilities will address key government priorities related to sport and physical activity that are of increased importance since the Covid-19 pandemic.

### 3 Community Engagement

#### 3.1 Historic Engagement

- 3.1.1 As set out in Section 2, the need for additional sports pitches in Tenterden has been identified for a number of years.
- 3.1.2 In 2014, prior to my involvement in the project, the appellant met with representatives of Tenterden Tigers to discuss the club's aspirations and how the development could help to deliver them.
- 3.1.3 Subsequent meetings and discussions were held with the Tenterden Tigers representative between 2014-2019 to keep the clubs' representatives informed of the emerging proposals and the intentions to provide 5 new football pitches and a pavilion. I was party to some of these discussions as well as email exchanges.
- 3.1.4 There was also early engagement with Tenterden Town Council, and in August 2017, the Town Council Planning Committee voted unanimously to support inclusion of the Appledore Road site in the Ashford Local Plan. This support was conditional on the early delivery of the football pitches, with the Council noting that *"improved sports facilities and a country park facility was very much needed in the town"*.<sup>16</sup>
- 3.1.5 In July 2017, I attended the Sports Review meeting and was party to discussions on the Homewood School 3G AGP and the development of pitches at Appledore Road. These discussions helped to inform the development of options, as set out in Section 2.
- 3.1.6 At this point, engagement with the Town Council and sports stakeholders appeared to be constructive and positive. However, as considered below, there was subsequently a significant shift in the position of the Town Council which then ceased to engage with the appellant, this coincided with the representatives of local football clubs becoming increasingly reluctant to participate in consultation exercises.
- 3.1.7 The potential for this change in position was perhaps signposted in the minutes of the June 2015 Sports Review, relating to a discussion on possible residential development on land to the rear of the Homewood School pitches at Appledore Road (i.e., the site of the proposed development). The minutes (included as Appendix 10) note:
- "JN asked whether there was a way to stop residential development on the site, perhaps through a local plan. PC suggested that TTC and ABC should liaise to "blight" the land for development."*
- 3.1.8 JN is Councillor Justin Nelson of Tenterden Town Council (North Ward). PC is Councillor Paul Clokie of Ashford Borough Council, current Portfolio Holder for Housing. (Tenterden North Ward).

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<sup>16</sup> Minutes of the Tenterden Town Council Special Planning Committee Meeting, 14<sup>th</sup> August 2017. As per Statement of Community Involvement (Core Documents reference 1.24).

### **3.2 Minutes of the Sports Review February 2021**

- 3.2.1 As referenced in Section 2, the minutes of the February 2021 Sports Review (Appendix 6) reference discussion of the Appledore Road proposals as being “ideal”.
- 3.2.2 The minutes also include a recommendation that the Town Council should “allow sports review to talk to Wates within specific restrictions...with the blessing and participation of ABC.” However, I am not aware of any attempt to make contact with myself or the appellant. It would appear that no meetings of the Sports Review have been held since February 2021 and I can find no reference in minutes of other Town Council meetings, consequently I cannot determine if the recommendation was even considered.
- 3.2.3 Whilst the Sports Review is a committee of the Town Council, there is no reason for representatives of the independent sports clubs that attend to seek permission from the Town Council or have the blessing of the Borough Council before undertaking consultation with a developer. Based on the minutes, this point appears not to have been discussed.

### **3.3 Letters of Support**

- 3.3.1 A letter of support has been received from Councillor Mike Carter, on behalf of Sport Tenterden (Appendix 11). Sport Tenterden is a new organisation being developed to protect the interests of sports clubs and provide a representative body “to take advantage of the opportunities for formal and informal sport and physical activity offered by development in the Town.”
- 3.3.2 In his letter (written in a personal capacity), Councillor Carter states:
- That he has a detailed understanding of the need for sports pitches in Tenterden and the “long history of failed attempts” to deliver them, gained through his membership of the Sports Review committee.
  - That Tenterden is very poorly served for football pitches.
  - That the Town Council’s plans for the Recreation Ground would worsen this already poor level of provision.
  - That Tenterden Tigers FC cannot play in the town due to a lack of suitable facilities.
  - That the Sports Review proposals for Appledore Road were shared with Wates’ representatives in 2017.
  - That these proposals clearly form the basis for the proposed Sports Hub and that they are “remarkably similar” to the Town Council’s own plans contained in the draft Neighbourhood Plan, making the Town Council’s refusal to engage on the sports aspects “particularly odd” as this could be on a without prejudice basis.
  - That no meetings of the Sports Review have been held since February 2021 and that he is not aware of any approach being made to Wates.

- That the proposals for Appledore Road “*appear to be the only deliverable, fully funded option to meet the long-needed outdoor sports facilities to serve Tenterden’s current and future needs.*”
  - That the Country Park would significantly improve access to the development site, delivering an invaluable asset to the local community.
- 3.3.3 I have also received letters and emails from local football clubs and their representatives. However, these have been caveated on the basis that the correspondence cannot be used as part of any evidence associated with the appeal.
- 3.3.4 The reasons for this reluctance to allow their views to be made public are not immediately clear, particularly as local clubs have been party to the development of proposals for more pitches at Appledore Road and elsewhere. Based on the minutes of the February 2021 Sports Review, it is possible that the clubs are still of the view that they must have permission from the Town Council before engaging formally.
- 3.3.5 In the absence of any letters from clubs specifically relating to the Wates proposals, it is my view that the local football community’s thoughts on the need for additional pitch provision can be determined from the objections submitted in connection with the Town Council’s plans for the Recreation Ground. Included as Appendix 12, these not only object to the loss of the pitch at that location, but they also highlight the need for additional pitches in the town as per the strategic evidence base considered in Section 2.

### **3.4 Survey Exercises**

- 3.4.1 In the summer and winter of 2021, I conducted two separate survey exercises to gauge potential interest in operation of the Sports Hub and/or the Country Park. The information packs and survey response documents are included as Appendices 13 and 14 respectively.
- 3.4.2 These were sent to a range of organisations including Tenterden Town Council and local football clubs in Tenterden and the surrounding villages.
- 3.4.3 No acknowledgement was received from Tenterden Town Council although it did prompt the letter of support received from Councillor Mike Carter (see section 3.3).
- 3.4.4 Responses were received from representatives of Tenterden Town FC and Tenterden Tigers FC as well as Brewmaster High Halden FC. The latter advised that the club would not be interested in the facility.
- 3.4.5 I have not included the responses from the Tenterden clubs due to the request that correspondence should not be used as part of any evidence associated with the appeal.

### 3.5 Summary

- 3.5.1 For engagement to be constructive it requires at least two willing parties. However, as clearly illustrated in this Section the attitude of the Town Council in the period since 2017 has not been conducive to achievement of a meaningful dialogue and could perhaps be best described as active disengagement. This is despite local stakeholders considering the proposals to be “*ideal*”.
- 3.5.2 The position of the Town Council appears also to have forced local football clubs to act against their own sporting interests (even on a without prejudice basis) resulting in the representative’s refusing permission for any statement on their position to be used in the appeal.
- 3.5.3 It is my considered professional opinion that the greatest weight in any consideration of the need for the Sports Hub and Country Park should be given to the strategic and other evidence considered in Section 2. To do otherwise would greatly increase the risk of unsustainable or unneeded facilities being delivered.
- 3.5.4 However, there is clearly a local understanding of the need for the proposed community provision and strong desire to see them delivered.
- 3.5.5 This is evidenced by the appellant’s early engagement and confirmed in the letter received from Councillor Mike Carter, clearly addressing the point raised in the Reason for Refusal.

## 4 Governance Strategy Part 1 – Facility Delivery

### 4.1 Pitches Design and Specification

4.1.1 My Supporting Statement (Core Documents reference 1.7) included detailed appendices prepared by specialist sports pitch agronomists TGMS Ltd, specifically:

- Site Investigation and Feasibility Study
- Plan of Proposed Playing Fields
- Pitch Maintenance Report.

4.1.2 These combined documents set out a detailed assessment of the condition of both the existing pitch (F13) and the site of the proposed pitches (F10 and F14), proposals for development of the new pitches (i.e., pitch construction) and a schedule for how the pitches should be maintained

4.1.3 In summary, the existing pitch and proposed locations for the new pitches do not meet Sport England's Performance Quality Standards (PQS)<sup>17</sup>. Consequently, the Feasibility Study and plans provide a detailed assessment of what work is required to deliver playing fields in accordance with Sport England guidance as per the document Natural Turf for Sport.

4.1.4 I note that the Reason for Refusal calls for there to be a strategy that sets out what facilities will be delivered. It is my view that the level of detail related to the sports pitches is wholly appropriate for this stage of the planning application process and that any detailed design should be conditioned.

4.1.5 The TGMS report provides more than adequate detail for there to be satisfaction that the final design and specification will deliver better quality facilities when compared to the existing, thereby demonstrating compliance with the NPPF, Sport England Policy Exceptions and Policy COM1. Furthermore, the proposals for pitch maintenance are detailed and comprehensive.

4.1.6 My view on this matter is clearly supported by Sport England (see Appendix 8):

*"The application drawings showing pitch layout and gradients are detailed. The feasibility study is also detailed however it does caveat in several places that it is not a detailed design specification – see for instance the note on the front page and at the top of 4.2. At 4.2 it proposes a development option but there are certain aspects that need firming up on such as 7. Pipe drainage – outfall type and location; 8. Grass seed; 9. Installation of sand grooves if necessary. These are matters that are only likely to be firmly established post decision as they need a specialist contractor to be brought on board.*

*Looking at the maintenance programme TGMS1044.27 that is fully detailed and therefore ongoing maintenance in accordance with that programme could be specified."*

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<sup>17</sup> The Performance Quality Standard (PQS) provides a recommended minimum quality standard for the maintenance and construction of pitches.

- 4.1.7 It is interesting to note that the Council does not appear to have had any similar concerns about the comparative lack of detail provided in support of the planning application for a new pitch to serve Hamstreet Primary Academy (Ref: 18/00644/AS). This is to be delivered as part of a residential development. Instead, Condition 27 (Appendix 15) of that planning permission merely deals with the matter under general terms in connection with Surface Water Drainage.
- 4.1.8 Furthermore, Schedule 14 of the Section 106 Agreement for that development (Appendix 16) refers to the pitches being designed in accordance with Sport England Design Guidance Note “Creating Sporting Opportunities in Every Community”. It is my understanding that that guidance has been withdrawn and that the appropriate guidance is in fact contained in “Natural Turf for Sport Design Guide” as referenced in my Supporting Statement.
- 4.1.9 The reasons for the inconsistencies in the Council’s approach to the two planning applications are unclear and there is no obvious justification for the Council requiring a more detailed level of information than that already provided.

## **4.2 Sports Pavilion**

- 4.2.1 As confirmed in the formal response to the planning application by Sport England and the Football Foundation, the design proposals for the pavilion are consistent with the relevant guidance for a sports facility of this type.
- 4.2.2 In common with the sports pitches, the proposed pavilion will help to deliver a facility that is consistent with the quality and quantity requirements of the NPPF, Sport England Policy Exception 4, and Planning Policies COM1 and COM2.
- 4.2.3 I note comments from the Council that the plans should be designed to comply with “*changing facilities for all and fully accessible.*” The pavilion is intended to support outdoor team sports. The design takes account of the requirements of the DDA, and it is not apparent what additional guidance must be followed.

## **4.3 Funding and Delivery**

- 4.3.1 The budget estimate for delivery of the Sports Hub is more than £1.2 million. This would be provided by the developer without recourse to external funding (secured by the Section 106 Agreement) ensuring that the proposals are viable and deliverable.
- 4.3.2 The Section 106 Agreement commits the developer to commence construction of the Sports Hub in the first phase of development with the facilities available for use before the 50<sup>th</sup> dwelling is occupied.
- 4.3.3 Based on receipt of consent in the Spring of 2022, and discharge of conditions over the course of 2022, it is anticipated that pitch construction would commence in the Spring of 2023 and that the Sports Hub would be available for use by the Autumn of 2024.

- 4.3.4 A programme is included as Appendix 17, providing clear timescales for delivery thereby addressing one of the matters raised in the Reason for Refusal.
- 4.3.5 As there is a need to access the site via F13, to facilitate construction of the new pitches in F14 and F10, as well as the residential development, I have sought Sport England guidance on the proposals within the context of its Policy Exception 4. The relevant extract from correspondence (see Appendix 8) is included below:

**Richard Grady, Consult QRD:** *“The Council has indicated that there should be no gap in provision for the community during construction of any replacement sports provision. However, my understanding is that it is Sport England’s position that it would be acceptable for there to be a relatively short period of time when there was no onsite provision whilst new pitches were being constructed on the basis that there is no current community (or school) use of the pitch. Is this correct? “*

**Jo Edwards, Sport England:** *“Yes, that is correct, although exception 4 refers to new provision being available for use before an existing playing field / pitch is lost, this requirement needs to be applied pragmatically. It is there to ensure that existing users are not displaced as that has the potential to undermine their viability in the interim period. However, use of the existing pitch at Appledore has lapsed and therefore, there is currently no school or community use of the site. In that circumstance there is no need to re provide the pitch in advance of any other development being undertaken or occupied. Sport England is satisfied that the applicant intends to provide good quality pitches and ancillary facilities at the earliest reasonable opportunity.”*

#### **4.4 Summary**

- 4.4.1 The proposals for the design and delivery of the Sports Hub facilities are consistent with relevant Sport England guidance and would deliver a much-improved quality of provision when compared to the disused pitch facility on F13.
- 4.4.2 The condition survey and proposals have been prepared by suitably qualified consultants, with the detailed Feasibility Study to be used as the basis of the final design and specification.
- 4.4.3 As confirmed by Sport England, in correspondence with the Council (July 2021) and in Appendix 8, both the pitches specification and maintenance plans are of an appropriate level of detail for this stage in the development of the project.
- 4.4.4 The proposed facilities would be fully funded and delivered by the developer, resulting in the timely delivery of new facilities of a far better quality than the existing pitch with, for the first time, ancillary changing room and other provision.
- 4.4.5 The fact that the playing field is disused and no longer maintained means that no teams will be affected by any temporary loss of provision during construction. This is to the satisfaction of Sport England.

- 4.4.6 When viewed within the context of the Reason for Refusal, it is clear that the aspects of the governance strategy relating to the delivery of community provision (i.e., type, quantum, specification and timeframe) have already been addressed to an appropriate level of detail.

## **5 Governance Strategy Part 2 – Management Arrangements**

### **5.1 Context**

- 5.1.1 The focus of this Section is on the Sports Hub and Country Park. The 12.35 ha main development area (the subject of the outline planning application) would be the direct responsibility of a suitably qualified Estate Management Company.
- 5.1.2 Tenterden Schools Trust has confirmed that it would no longer be the owner of the pitches and that it would have no future interest in use of the site (Appendix 18).
- 5.1.3 As stated in my Supporting Statement the proposals for operation and management of the facilities have been developed within the context of Local Plan Policy IMP4, particularly the preference for a Community Stewardship model of governance.
- 5.1.4 At this stage, it is important to note that the concept of Community Stewardship is not clearly defined in policy or elsewhere, and I am not aware of any examples available of how the Council has used this approach elsewhere.
- 5.1.5 I agree with the Council's position that a clear understanding of how the facilities will be managed and maintained will be required. However, policy IMP4 does not state that this must be developed in detail prior to the award of planning permission.
- 5.1.6 Reason for Refusal 6 calls for the governance strategy to include details of what is to be delivered, as well as the timeframes. As evidenced in Section 4, this has already been clearly established to the satisfaction of Sport England.
- 5.1.7 Therefore, in this Section, I will focus on the proposed arrangements for securing the future management of the community provision, as well as aspects related to guaranteeing that the facilities remain available for use by the wider community.

### **5.2 Operator Selection**

- 5.2.1 On behalf of Wates, I have sought to work in partnership with the Council to agree an approach to operator selection that would be acceptable. To this end a draft Operator Appointment plan was prepared and submitted with my Supporting Statement. This has been designed to allow a range of organisations to express interest in the operating the facilities. This may include Tenterden Town Council, local football club(s) or a special purpose organisation set up to manage the facilities on behalf of the community.

- 5.2.2 It is important to reiterate the fact that efforts to engage with the Town Council have been ignored, with no formal acknowledgement of our attempts at contact. Likewise, there has been limited dialogue with local sports clubs, despite our clear understanding of their wish to deliver new sports pitches in the town.
- 5.2.3 It is envisaged that the operator(s) of the Sports Hub and Country Park would obtain a long lease from an estate management body (the ultimate freeholder of the site). However, it is acknowledged that there may be the potential to transfer the freehold to the operator(s) subject to appropriate due diligence arrangements.
- 5.2.4 The operator(s) would be selected based on range of factors, including:
- Have in place a robust and sustainable business plan or show the willingness to create an acceptable plan within a specified time frame before the building/land is transferred. This business plan will need to:
    - Demonstrate a realistic approach to managing and running the facility.
    - Provide evidence of the capability and skills required to manage, repair and maintain and insure the asset
    - Provide evidence of compliance with legislation and regulatory controls such as equality legislation, child and vulnerable adult protection, health and safety, employment and plans for regular monitoring and evaluation.
  - Demonstration that the asset will continue to be used to support local community-based services and activities.
  - Strong and robust governance arrangements (including how local people will be involved in decision making in relation to the building/land and its use).
  - Evidence of track record in delivering services and/or managing property (N.B. if a new group evidence of this track record linked to management committee members and/or staff and volunteers).
- 5.2.5 Where appropriate these criteria will be used to determine the most appropriate operator where more than one expression of interest is received, through the use of a weighted scoring exercise reflecting the relative importance of the criteria.
- 5.2.6 As set out in my Supporting Statement this approach has been guided by:
- The Football Association Guide to Asset Transfers
  - Club Matters Sports Clubs Community Rights and Community Assets Guidance
  - Local Government Association guidance on Community Asset Transfer.
- 5.2.7 I have recently provided guidance on an appropriate process for the identification of an operator for a similar type of sports hub facility in connection with a consented 450-home development in Herne Bay, Kent (Canterbury City Council LPA, planning reference CA/17/02907). This required agreement of the ongoing management responsibilities etc. as a planning condition.

- 5.2.8 It is my strong view that this is an appropriate approach for the proposed facilities at Appledore Road, particularly given the high level of detail provided related to facility design, specification and the framework process for the appointment of an operator. All of which were lacking from that project.
- 5.2.9 The expression of interest received from Councillor Mike Carter, on behalf of Sport Tenterden is encouraging but it is likely that the organisation would need to be more formally established before any decision can be made on whether this organisation would be a preferred operator.
- 5.2.10 However, given that the Sports Hub and Country Park will not be open to community use before the Autumn of 2024, it is my view that there is ample time available to identify, appoint and support a suitable organisation or organisations to ensure that appropriate expertise and a sustainable business plan are in place.
- 5.2.11 Should a Community Steward fail to materialise, the Estate Management Company would be directly responsible for operation of the facilities. IMP4 makes provision for this eventuality. This approach would be consistent with the proposals for management of the sports pitch at the Hamstreet development referenced above.

### **5.3 Maintenance**

- 5.3.1 I note the Reason for Refusal's reference to the need to ensure that the facilities are managed to an acceptable standard. This is a reasonable and sensible request. However, this level of detail appears not to have been required by the Council in connection with the Hamstreet project.
- 5.3.2 It is my view that the planning application clearly provided the Council with adequate information to be satisfied that there is a clear and detailed plan in place for the management and maintenance of the sports pitches.
- 5.3.3 As set out in Section 4, my Supporting Statement (Core Documents reference 1.7) included a Pitch Maintenance Report prepared by agronomists TGMS Ltd. As previously stated, this document is considered by Sport England to be detailed (see Appendix 7).
- 5.3.4 Furthermore, these matters, along with relevant advice on the maintenance of trees and/or other areas, will be clearly addressed in a site-specific post-construction Operations and Maintenance (O&M) manual, thereby providing clear instructions on the best means of safeguarding future use. Inevitably, these are not yet available, and it would not be reasonable for there to be an expectation that they should be prior to appointment of a contractor.
- 5.3.5 Commuted Maintenance Sums have been proposed for open space typologies in the detailed and outline areas of the development. These have been calculated using the Public Green Spaces and Water Environment SPD as well as using Sport England Maintenance Guidance.

- 5.3.6 For the Sports Hub and Country Park, it is estimated that the following would be required for a 10-year period (subject to inflationary uplift):
- Sports Hub Pitches – £283,050
  - Sports Hub Pavilion – £84,753. This is an additional financial allocation, over and above that required in the SPD.
  - Country Park – £583,556.
- 5.3.7 These funds, to be secured in the Section 106 Agreement, would underpin the management of the facilities ensuring that maintenance plans are sustainable and deliverable.

#### **5.4 Securing Community Access**

- 5.4.1 It is proposed that wider public access to the community provision would be secured via two means.
- 5.4.2 The first would be a Community Use Agreement (CUA) focused on the Sports Hub. This has been requested by Sport England, a request consistent with the organisation's standard approach.
- 5.4.3 A draft was appended to my Supporting Statement, based on Sport England Guidance. Whilst this envisages a role for the Council in oversight of operation, this is not prescriptive, and the final document would be tailored to the Council's preferences.
- 5.4.4 As set out in Sport England's email received in December 2021 (Appendix 7), it is possible that another organisation could be a signatory to the CUA (such as the Football Foundation or Kent FA) should the Council choose not to be party to the agreement.
- 5.4.5 The second proposed means is via a Fields in Trust Deed of Dedication (further details in Appendix 19).
- 5.4.6 In essence, this is a legal agreement between Fields in Trust and the landowner that the open space will be retained for use as a public park, playing field or nature reserve, in perpetuity.
- 5.4.7 This would provide robust protection to the Sports Hub and Country Park, protecting them as assets for the local community.
- 5.4.8 East Cross Garden in Tenterden (TN30 6QX, 0.2 hectares) is protected by a Fields in Trust Deed, as are Hythe Road Recreation Ground, Willesborough (TN24 0JG, 5.07 hectares) and Cornes Meadows and The Minnis, Smarden (TN27 8NB, 4.65 hectares).

#### **5.5 Summary**

- 5.5.1 The proposals for operation and management of the Sports Hub and Country Park have been developed with reference to Policy IMP4. It is accepted that a governance strategy is required.

- 5.5.2 However, the level of detail provided is appropriate for this stage in the development and delivery of the proposals and there is ample time available for the remaining matters to be finalised.
- 5.5.3 The Council has been provided with a draft process for appointment of the operator(s), developed with reference to IMP4 and relevant guidance on the handover of community assets to third party organisations. No alternative approach has been offered and there is no evidence available of how the Council has given any practical consideration to the development of the concept of Community Stewardship set out in IMP4 and how this can be made a reality.
- 5.5.4 The Commuted Maintenance Sum provision will, in combination with the TGMS Maintenance Report and O&M manuals, provide a comprehensive package of support for maintenance planning and delivery, safeguarding the quality of the facilities for future generations.
- 5.5.5 Furthermore, the CUA and proposed Fields in Trust Deed of Dedication will safeguard community access to the Sports Hub and Country Park for future generations, ensuring that they remain valuable assets.
- 5.5.6 When considered in the round these factors combine to offer the robust basis of a governance strategy for the future operation as called for in the Reason for Refusal.

## **6 Summary and Conclusions**

- 6.1 It is my considered opinion that the replacement pitch element of Sports Hub proposals is clearly compliant with the NPPF, Sport England Policy Exceptions and local planning policy as they would provide a replacement for the pitch in F13 of better quality than the existing, in an appropriate location, supported by suitable ancillary facilities. This point is supported by Sport England.
- 6.2 The proposals for pitches to meet demand generated by the development are also consistent with local planning policy as they would provide adequate pitch provision in line with local policy standards.
- 6.3 Furthermore, there is clear and unambiguous evidence of there being both a strategic need for additional pitches and a strongly expressed local desire for a project to be brought forward. This assessment is based on the findings of the PPS, the Town Council's Strategy and the OSS, as well as the project proposals for pitch developments at Appledore Road (evidenced in the Sports Review minutes and Neighbourhood Plan) and the abandoned project at Smallhythe Road (referenced in the LFFP and Sports Review Minutes).
- 6.4 This opinion is further supported by the letter received from Councillor Mike Carter as well as historic engagement with the Town Council and local football clubs.
- 6.5 The proposed Country Park would provide an important asset to the community. In combination with the Sports Hub, it has the strong potential to act as the Tenterden Strategic Hub, the need for which is identified in the OSS.
- 6.6 It is also clear that the proposals will meet clear priorities set out in the NPPF, DCMS policy and Sport England Active Design Guidance, supporting and facilitating opportunities for everyday physical activity through access to the Sports Hub and Country Park. Furthermore, they will address key aspects of the government's post-Covid healthy living and physical activity agenda.
- 6.7 Turning to the matter of the design and specification of the Sports Hub facilities, they are consistent with relevant Sport England guidance and have been prepared by suitably qualified consultants, with the detailed Feasibility Study to be used as the basis of the final design and specification. As confirmed in recent correspondence, the level of detail is deemed to be appropriate by Sport England.
- 6.8 The Sports Hub facilities require no external funding and would be delivered for use by the community prior to occupancy of the 50<sup>th</sup> dwelling. This provides the Council with a clear understanding of what facilities will be delivered, how they will be funded and when they will be available for community use.
- 6.9 The fact that the F13 playing field is disused and no longer maintained means that no teams will be affected by any temporary loss of provision during construction. This is to the satisfaction of Sport England.
- 6.10 Regarding operation and management proposals, these have been developed with reference to Policy IMP4.

- 6.11 It is accepted that a governance strategy will be required but there is no policy justification for this to be finalised at this stage in the development of the project. The framework for appointment of an operator has already been provided to the Council for comment as have the detail of what will be delivered and when. All of this provides a clear direction of travel that can be addressed in partnership with the Council once planning permission is in place.
- 6.12 The Council has been unable to provide any detailed guidance on its expectations for how the appointment process should work, indeed the recently consented Hamstreet project appears to have given no consideration to the prospect of Community Stewardship.
- 6.13 The Commuted Maintenance Sum provision will, in combination with the TGMS Maintenance Report and O&M manuals, provide a comprehensive package of support for maintenance planning and delivery.
- 6.14 Finally, the CUA and proposed Fields in Trust Deed of Dedication will safeguard community access to the Sports Hub and Country Park for future generations, ensuring that they remain valuable assets.
- 6.15 It is my view that the above factors combine to address the matters raised in Reason for Refusal 6.