



**Wates Developments Limited  
Land between Appledore Road and Woodchurch Road  
Tenterden, Kent  
Draft Heads of Terms for Section 106 Agreement – April 2021**

The planning obligations listed below have been prepared in the light of Policies COM1, COM2, and IMP1 of the Ashford Borough Local Plan (2019). The substance of the draft Heads of Terms also reflects initial advice received from officers at Ashford Borough Council and the comments received in respect of the former application for the redevelopment of this site, in particular those from ABC Culture and Env Officer, KCC Economic Development, KCC Highways, the NHS Trust and Sports England.

The draft planning obligations set out below will only be included in the Section 106 Agreement to the extent justifiable in planning policy terms, in particular paragraph 56 of the NPPF and regulation 122 of the Community Infrastructure Levy Regulations 2010. This will be established following further discussions with officers. This draft assumes that the site will not be subject to Community Infrastructure Levy or any other similar charge. If this is not the case the applicant reserves the right to withdraw or amend any of the planning obligations listed below:

- The provision of up to 72. affordable units<sup>1</sup> (50%) – to be 10% affordable/ social rent and 30% affordable home ownership products;
- The nomination rights for the affordable housing units will be such that the affordable units will in the first instance be made available to people in housing need with an appropriate connection to Tenterden. Thereafter the nomination rights will, if necessary, cascade down to those in need in the neighbouring parishes in Ashford;
- 7.5% of the affordable units to be identified as M4(3) dwellings;
- 20% of all dwellings to meet M4(2) standards;
- 5% of all dwellings will be set aside for self Build;

#### **Community Facilities and Stewardship**

- The Section 106 agreement will secure the Borough Council's approval of an overarching scheme for the delivery, future management, operation and maintenance of all the community facilities within the application site – comprising the Sports Facilities, Country Park and the Natural Green Space. The scheme will be capable of delivering the model of community stewardship required under Policy IMP4 (with proportionate commuted maintenance sums/other appropriate funding mechanism), with the flexibility for an approved site-wide 'steward' body to deliver the community benefits of the Sports Facilities and the Country Park by way of appointing specialist operators for those facilities. The scheme will also secure the Borough Council's approval of the procedure for appointment of those operators as well as any formal community use arrangements. Details of any proposals for the use of a resident's service charge associated with in perpetuity maintenance of the Natural Green Space will also be included for the Borough Council's approval.

The above-mentioned Community Facilities will comprise:

- 8.88ha Country Park
- Sports Facilities:

---

<sup>1</sup> Assuming 145 dwellings are accommodated on site – if not then 50% of the number of dwellings that are accommodated on the site.

3.33ha of land to provide for:

- 1 x 11v11 Adult Football Pitch (100m x 64m)
- 1 x 9v9 Junior Football Pitch (75m x 45m)
- 1 x 7v7 Mini Soccer Pitch (55m x 37m)
- 2 x 5v5 Mini Soccer Pitch (37m x 28m each)
- Pavilion Building designed to Football Association standards;
- Car parking spaces to serve the Pavilion Building;

- Natural Green Space within the development (outside the Country Park) – the precise quantum of details of which will be determined through Reserved Matters
- 0.17ha of formal play space within the development site the details of which will be determined through Reserved Matters
- Delivery of the respective Community Facilities to be secured by way of development restrictions linked to appropriate site wide/phased triggers/occupation thresholds
- Contributions towards the off site provision and maintenance of allotments;
- Contributions towards the provision and maintenance of Conningbrook Lakes Country Park.
- A suitable contribution towards any highway improvements arising as a result of the proposed development;
- The funding of a TRO to facilitate traffic calming works to reduce vehicle speeds on Appledore Road;
- Contributions towards a replacement tree in Appledore Road;
- Contributions to support and enhance existing bus accessibility;
- The preparation and implementation of a Travel Plan to encourage use of sustainable transport modes;
- Contributions towards primary educational facilities<sup>2</sup>;
- Contributions towards the Local Primary Care Trust for use at the Ivy Court Surgery in Tenterden;
- Contributions towards Youth services;
- Contributions towards Community Learning;
- Contributions towards Social Care;
- Contributions towards Library Services;
- Contributions towards Waste and Recycling facilities.
- Contributions towards Cultural Improvements, including the arts and voluntary sector in Tenterden.
- The Payment of the District Council's reasonable legal costs in entering the section 106 agreement and administering it, up to a maximum limit;
- Contributions to be paid in instalments;
- Contributions to be subject to indexation;
- Any contributions not spent within 5 years to be repaid to the developer.

---

<sup>2</sup> KCC Economic Development having previously raised no request for contribution towards nursery, secondary or sixth from educational needs