

Agenda Item No: 7
Report To: Cabinet
Date of Meeting: 28 April 2022
Report Title: Proposal for asset transfer of Kiln Field (Tenterden) to Tenterden Town Council
Report Author: Terry Jones
Job Title: Conservation Officer
Portfolio Holder: Cllr. Matthew Forest
Portfolio Holder for: Culture, Tourism and Leisure



Summary:

Kiln Field is owned by Ashford Borough Council (ABC), but held by Tenterden Town Council (TTC) on a 25-year lease that expires in 2043. It has been managed as a nature reserve since 2018 without official designation as such. In 2021 TTC applied to Natural England (NE) for *Kiln Field* to be designated a Local Nature Reserve under *Section 21 of the National Parks & Access to the Countryside Act 1949*. NE approved the application in principal but advised TTC that only the local authority (ABC) can make an application for declaration as an LNR.

The site comprises of a mixture of trees, vegetation and balancing pond (more detail in this report). Therefore this site has negligible forward development value but considerable biodiversity value, as part of the wider area biodiversity mosaic.

Kent Wildlife Trust have worked with the town council to develop a detailed forward Land Management Plan to further enhance the biodiversity value and local educational opportunities for this site. The cost of this is covered by the town council and the project itself is well supported by local residents. In the longer term, external funding opportunities will be enhanced if TTC can demonstrate their long term commitment for this site by being the site owners (overall control) and having LNR status.

TTC have confirmed they wish to proceed with a 'freehold asset transfer' and are 'agreeable to discussing terms to allow this to go ahead'.

It is recommended that the the proposed freehold asset transfer be approved, TTC will then request ABC to declare *KILN Field* a LNR and TTC will have full forward control of this site, managed as a Local Nature Reserve.

Key Decision: No

Significantly Affected Wards: Tenterden

Recommendations: **The Cabinet is recommended to:-**

- I. Agree the freehold asset transfer of Kiln Field to Tenterden Town Council.**
- II. Support the application for designation of Kiln Field as a Local Nature Reserve**
- III. Authorise the Solicitor to the Council and Monitoring Officer to negotiate, finalise and complete all necessary legal agreements and other documents to give effect to the above.**

Policy Overview: The freehold transfer of Kiln Field to Tenterden Town Council is consistent with the Localism Act 2011, notably with regards to facilitating local community involvement in the development of their neighbourhoods.

Declaration of the *Kiln Field* as an LNR is also consistent with the National Policy Planning Framework (NPPF) and Policy CS11 of the Core Strategy (Biodiversity and Geological Conservation) which seeks to protect and enhance biodiversity, and in particular to “*enhance and expand biodiversity by restoring or creating suitable semi-natural habitats and ecological networks to sustain wildlife in accordance with the aims of the National and Kent Biodiversity Action Plans*”.

Declaration as an LNR is also consistent with the ‘Public Green Spaces and Water Environment SPD’, which refers to the importance Government attaches to the protection of green belts and strategic networks of green spaces which can provide a wide range of environmental benefits. The NPPF also states that local authorities should create policies that enable the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.

Declaration as an LNR will also assist the Council in achieving a number of other national targets including:-

- Natural England’s recommended target of 2 ha of LNR within 300m of people’s homes;
- Accessible Natural Greenspace Standard (ANGSt) minimum standard of 1 ha of LNR per 1000 people.
- Help to meet the Council’s biodiversity duty under Section 40 of the Natural Environment and Rural Communities (NERC) Act.
- Help meet the Council’s duty under the Environment Act 2021 to have regard to relevant Local Nature Recovery Strategies (LNRS).

Financial Implications:	<p>The transfer of the freehold of Kiln Field to TTC will not have any immediate financial or resource implications as ABC has already leased Kiln Field to TCC until 2043. Furthermore, following a freehold asset transfer, TTC will continue to be responsible for all associated costs in managing Kiln Field.</p> <p>Any subsequent declaration of Kiln Field as a LNR under the <i>National Parks and Access to the Countryside Act 1949 (as amended)</i> will have no financial implications for ABC as TTC will be the landowner responsible for maintaining Kiln Field as a LNR..</p>
Legal Implications: <i>Text agreed by Principal Solicitor for Property and Projects on 20.04.2022</i>	<p>Where the Council disposes of its assets, it is under a statutory duty pursuant to section 123 of the Local Government Act 1972 to do so at the best consideration (i.e. price) reasonably obtainable. Section 123 of the Local Government Act also requires prior advertisement of any disposal of land comprising “open space” and proper consideration of any objections received following such advertisement. The Council’s Legal Department will provide further advice in relation to the disposal and throughout the sale process.</p>
Equalities Impact Assessment:	<p>A full further assessment has not been provided because the transfer of the site to Tenterden Town council does not alter the existing EIA.</p>
Data Protection Impact Assessment:	<p>Not required as the decision does not require significant monitoring of personal information.</p>
Risk Assessment (Risk Appetite Statement):	<p>By transferring Kiln Field to Tenterden Town Council we are removing any risk to Ashford Borough Council in terms of the cost of managing this site as an LNR, when it is currently due to transfer back to the council at the end of the lease.</p>
Sustainability Implications:	<p>The recommendations in this report will have a positive impact on sustainability, as this site will be managed in perpetuity as a Local Nature Reserve and with and by local people.</p>
Other Material Implications:	<p>None</p>
Exempt from Publication:	<p>No</p>
Background Papers:	<ul style="list-style-type: none"> • Kiln Field Nature Conservation Management Plan 2019-23

- Local Nature Reserve Proposal – The *Kiln Field*
- Kiln Field Housing Development Plan showing balancing pond and ecological area

Any member who requires copies can contact:

Contact:

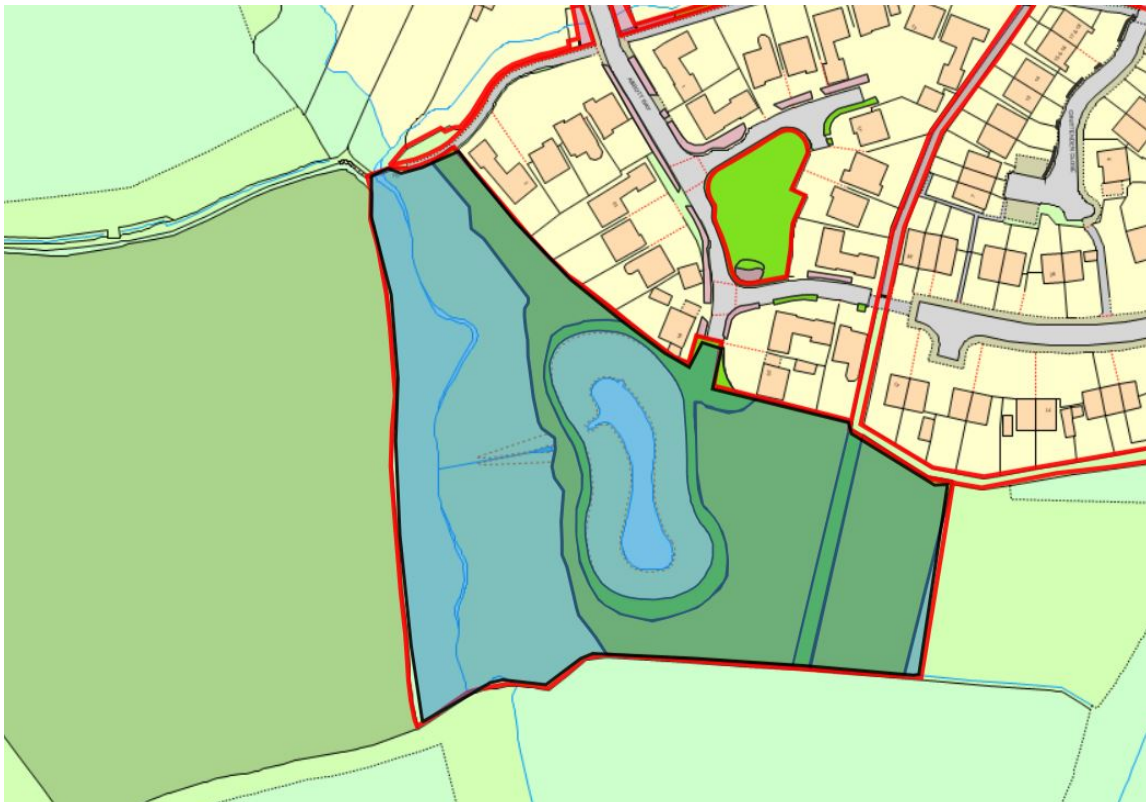
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Introduction and Background

1. Kiln Field is a public open space owned by Ashford Borough Council (ABC) and is currently leased to Tenterden Town Council (TTC) on a 25-year lease (2018-43).
2. Kiln Field is an area of land in the southeast of Tenterden, south of the Abbots Way/Kiln Field residential development. It is only accessible by road through this residential area via Abbots Way from the north. It covers an area of 1.8 ha (4.5 acres) comprising woodland (40%), scrub (20%), wildflower meadow (30%), balancing pond (8%) and a stream (2%). The large balancing pond installed in 2003 acts as a drainage point for the residential development built at that time.

Figure 1: Layout of Kiln Field



3. Ownership of the site transferred to ABC from the housing developer (Wimpey) following the granting of planning permission for 23 residential units in November 2002 (00/00505/AS).

4. A 'Wildlife Management Plan published in 2001' set out key prescriptions for management of the (future) balancing pond created in 2003, the ancient woodland, secondary woodland / scrubland areas, and the grassland. Thereafter (and prior to the development of our in house grounds maintenance service) the site was rather neglected, until around 2015-16 when TTC started to manage and maintain Kiln Field under the village caretaker scheme. Management at this stage included removal of invasive Himalayan Balsam and cutting the meadow twice a year.
5. TTC subsequently identified an opportunity to improve and develop the site to offer educational use to local schools while retaining informal recreational use by the local community. In 2017-18 TTC commissioned Kent Wildlife Trust (KWT) to undertake a wildlife survey and educational suitability assessment of the site, and to make preliminary recommendations as to its potential future management, development and community use. The report that KWT produced was positive about the potential of the site and they expressed an interest to work further with TTC to develop Kiln Field as a sustainable and accessible resource for the community
6. In 2018, TTC started to manage Kiln Field as a nature reserve and started to explore the possibility of designating Kiln Field as a Local Nature Reserve (LNR) under the National Parks and Access to the Countryside Act 1949 (as amended). Following informal discussions with Natural England (NE), the latter confirmed that Kiln Field qualified under the NE guidance for declaration as a LNR because of its interest for wildlife, as well as its high value in the local context for formal education or research and for the informal enjoyment of nature by the public.
7. In 2021, an application' was submitted to NE to formally declare the Kiln Field as a LNR. The application was approved 'in principle' but TTC was advised that only the local authority (ABC) could declare a LNR under the National Parks and Access to the Countryside Act 1949 (as amended).
8. It is acknowledged that Kiln Field has negligible development potential due to its topography and geology, which includes a water course and balancing pond.
9. The forward management of the site as a Local Nature Reserve is of considerable biodiversity value but requires considerable resources and specialist knowledge to manage it as such. KWT have developed a forward management plan and worked with local residents and the town council on the development of the site. This approach additionally enables local educational opportunities on the flora and fauna of the site as well as the importance of habitat preservation.

Proposal

10. Due to the considerable benefit to the local community, the support from all parties that designation as an LNR will have both financial and ecological benefits for the management of this area and that Tenterden Town Council are willing to take on this asset and long term responsibility, it is proposed that the site be transferred to the ownership of Tenterden Town Council.

Consultation Planned or Undertaken

11. The principle for a freehold asset transfer of Kiln Field from ABC to TTC has been considered by TTC, who have informed ABC that they are agreeable to discussing terms to allow this to go ahead.
12. The recommendations in this report are supported by all local ward members.

Other Options Considered

13. Ashford Borough Council could continue to own the site and make an application for the designation of the site as an LNR. However, at the expiry of the lease, the costs of running this site will transfer back to the council. Additionally, the external funding available for the ecological / biodiversity development of this site may be limited as it is held by TTC on a lease basis only. Therefore, this option is not recommended.
14. Additionally, the proposed option is an opportunity for local people to become more involved in the educational opportunities for and development of this site, for the benefit of local residents. The opportunity to transfer this asset to Tenterden Town Council should ensure this continues in perpetuity.

Reasons for Supporting Option Recommended

15. These recommendations are in accordance with policy (see top of this report) and will enable the local people of Tenterden to work more closely with the town council and KWT on this asset, for the site development and further ecological education of the local residents.
16. External funding opportunities for the environmental development of this site will be more easily obtained with the long term interest of this site vested in one body (Tenterden Town Council) and can be part of the biodiversity mosaic development for the town.

Next Steps in Process

17. If supported, Ashford Borough Council will make the application for the LNR on behalf of the town council and transfer the asset and the forward site management to Tenterden Town Council in perpetuity.

Conclusion

18. It is recommended that the greatest value will be derived from this site by transferring this asset to Tenterden Town Council. There should be more opportunities for external funding, which in turn will facilitate additional opportunities for community engagement and education. This will develop as a local project for local people.

Portfolio Holder's Views

19. This is an opportunity to develop an important local resource for local people that has much wider environmental benefits. This site will develop as an important contribution to the wider biodiversity mosaic for the area and will be the opportunity to engage and educate on a wider community development basis.

Contact and Email

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