

**Agenda Item No:** 12

**Report To:** Cabinet

**Date of Meeting:** 12 July 2018

**Report Title:** Lease of Kiln Field to Tenterden Town Council

**Report Author & Job Title:** Michelle Byrne, Funding & Partnerships Officer

**Portfolio Holder** Cllr. Mike Bennett.  
**Portfolio Holder for:** Culture, Leisure, Environment & Heritage

**Summary:**

To agree a 25 year lease of the land known as Kiln Field, off Abbott Way, Tenterden, to Tenterden Town Council for the purpose of maintaining the area as a Nature Conservation site.

**Key Decision:** YES

**Significantly Affected Wards:** Tenterden South

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

- I. Agree the lease of the land known as Kiln Field, off Abbott Way, Tenterden, to Tenterden Town Council on a 25 year lease at a peppercorn rent;**
- II. Provide delegated authority to the Head of Corporate Property & Projects in consultation with the Head of Culture and relevant Portfolio Holders to complete all tasks and documentation necessary to give effect to the above recommendation.**

**Policy Overview:**

**Financial Implications:** None

**Legal Implications** A 25 year lease will be required, to include the production of a Management Plan to be produced by the Town Council for approval by the Borough Council.

**Equalities Impact Assessment** An equalities impact assessment will be required from TTC as part of the development proposals for the site and will be based on the aim to improve access to the site for all sectors of the community.

**Other Material Implications:** None

**Exempt from  
Publication:**

**NO**

**Background  
Papers:**

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**Contact:**

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## **Report Title: Lease of Kiln Field to Tenterden Town Council**

### **Introduction and Background**

1. Kiln Field, Off Abbots Way, Tenterden, is an area of land adjacent to the Abbots Way residential development comprising mainly of grassland but also containing some woodland, scrub and a large balancing pond that acts as a drainage point for the residential development. The site is currently used by residents for informal recreation, especially dog walking.
2. Ownership of the site was transferred to Ashford Borough Council (ABC) by the housing developer and is therefore currently in ABC ownership. However, grounds maintenance of the site is already undertaken by Tenterden Town Council (TTC) as part of the village caretaker scheme.
3. TTC has formally requested the transfer of the site to them on a long term lease at a peppercorn rent in order for them to enhance the site to encourage increased community use. A lease term of 25 years, with break clauses every five years, is being proposed as this will allow them sufficient time to secure external funding to help pay for the improvements in site management that they wish to aspire to.
4. A map of the site can be found at Appendix I.

### **Proposal/Current Position**

5. TTC are currently maintaining Kiln Field as part of the grounds maintenance work undertaken through the village caretaker scheme. TTC has identified a potential opportunity to improve and develop the site to offer educational use to local schools while retaining informal recreational use by the local community.
6. TTC would like to further enhance and manage the site to enhance its biodiversity and to encourage local residents, schools and youth groups to engage with and learn about nature, the environment and nature conservation. One proposal, for example, is to use the site as a nature school. It is hoped that this will also reduce the incidence of anti-social behaviour on the site by engaging the local community in the maintenance of the area.
7. In preparation for making the transfer request, TTC commissioned Kent Wildlife Trust (KWT) to make an educational suitability assessment of the site and to make preliminary recommendations as to its potential future management, development and community use. The report produced by KWT can be seen at Appendix II.

8. The report that KWT produce is positive about the potential of the site and they have expressed an interest to work further with TTC to develop a sustainable and accessible resource for the community.
9. In order to apply for the grant funding needed to develop the site, TTC have requested a long term lease which is supported by officers to enable them to raise appropriate funds as already described above. It will include break clauses for both parties. A peppercorn rent is also recommended in order that all funding available can be spent on developing and maintaining the site, therefore maximising the offer to the community. The draft Heads of Terms is attached drawn at Appendix III.
10. The ward member, Cllr Callum Knowles, is fully supportive of the project and is playing an active part in his role as a Tenterden Town Councillor to develop and move the project forward.
11. If approved, all site enhancements, management, maintenance and running costs will be met by TTC. A management plan will be provided to ABC, for which the lease will be subject to, and this will be renewed as appropriate.

### **Implications and Risk Assessment**

12. A full risk assessment will be undertaken by TTC as part of the proposals for the development of the site in partnership with KWT and in consultation with ABC to ensure all risk related to the landlord function are identified, assessed and satisfactorily mitigated.
13. This proposal will ensure the site is properly developed and managed to encourage wider community use and to enhance the bio diversity of the site which will not be compromised by that use.
14. Ongoing monitoring requirements from the lease will be undertaken as part of the existing support to the Town Council from appropriate ABC officers. TTC will not be permitted to use the site for anything other than the agreed permitted use without formal agreement from ABC as landlord.

### **Equalities Impact Assessment**

15. An equalities impact assessment will be required from TTC as part of the development proposals for the site and will be based on the aim to improve access to the site for all sectors of the community. This will be required as part of the lease agreement and updated accordingly.

### **Consultation Planned or Undertaken**

16. In preparation of this report, consultation has been undertaken with the Members and officers concerning future development of the site. The land does not appear in the current local plan and is unlikely to feature in subsequent Local Plans. The valuation report concluded that there would be little demand in the wider market should the land be offered for rent, and a market value of £100 per annum was suggested as appropriate. There was

subsequently no further objection to the proposal in principle for community use.

17. The Head of Environment was also consulted on the proposal and had no objection on the assurance that the grounds maintenance responsibilities for the site would remain with TTC.
18. Neighbouring residents will be consulted on proposals to enhance the site as they are drawn up by TTC. Local schools will also be consulted to ensure their requirements to use the site as an educational resource are met and they will make use of the area. This will be part of the management plan.

### **Other Options Considered**

19. To refuse the proposal - the site will continue to be used by residents for informal recreational use but the biodiversity of the site may be jeopardised and the site would not be developed to its full potential to optimise community access and use.
20. To transfer land on a short term lease - TTC would find it difficult to source the grant funding needed to realise the aims of the project.
21. To lease the site to TCC at market rate - the valuation report set the market rate for the site at £100 pa so the potential income to ABC from the site is limited. Leasing the land to TCC at a peppercorn rent would show support of the project and reflect the positive working relationship between ABC and TTC.

### **Reasons for Supporting Option Recommended**

22. The proposal will enable the development of the site in order to increase its biodiversity, educational potential and community access with no financial resources required from the Council's general service budgets. However, funding from the community grants fund may be appropriate and will be considered in the normal manner if an application is submitted.

### **Next Steps in Process**

23. If the request to lease the land to TTC is approved, Legal Services will draw up the lease in consultation with Culture, Corporate Property & Projects and TTC. Ongoing monitoring requirements from the lease will be undertaken as part of existing support to the Town Council.
24. TTC will draw up proposals for the development of the site and will consult as necessary on those proposals as part of the development and implementation of their Management Plan for the site. The satisfactory receipt of the Plan will be required before signing the lease.

### **Conclusion**

25. The proposals from TTC will provide the best opportunity for the development of the site to ensure its continued and improved use by the community and to conserve its biodiversity.

## **Portfolio Holder's Views**

26. This report outlines in great details the potential of this site to create a special place for nature conservation and education plus informal leisure and I totally support the recommendations.

## **Contact and Email**

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# Kiln Field



**DRAFT June 2018**

**ASHFORD BOROUGH COUNCIL  
TENTERDEN TOWN COUNCIL**

**HEADS OF TERMS IN RESPECT OF  
KILN FIELD TENTERDEN KENT**

<b>Landlord</b>	Ashford Borough Council of Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL
<b>Tenant</b>	Tenterden Town Council
<b>Landlord's Solicitor</b>	Legal Services, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL
<b>Tenant's Solicitor</b>	TBA
<b>Property</b>	Public Open Space known as Kiln Field, Abbott Way, Tenterden, Kent TN30 7BZ
<b>Lease Term</b>	25 years
<b>Commencement Date</b>	July 2018
<b>Break Clause</b>	Landlord or Tenant – Reviewable every five years
<b>Rent</b>	£1 to be collected upon request
<b>Utilities</b>	Any utilities associated with the site and used by the tenant or their agent will be the responsibility of the tenant.
<b>Insurance</b>	All insurances are the responsibility of the Tenant. Public Liability and site Insurance: minimum £10million in respect of any one claim.
<b>Alterations/Exclusions</b>	No residential or commercial development will be permitted. No selling of lease or sub-letting. No erection of any building or structure without consent of the land lord and appropriate planning permission if required.
<b>Initial Fitting Out works</b>	N/A
<b>Repairs</b>	Responsibility of the tenant

<b>Alienation</b>	The tenant must not assign sublet or charge the whole or any part of the premises. The lease is outside of the Landlord & Tenant Act 1954.
<b>Permitted Use</b>	Use by the public for general amenity use including dog walking, health and wellbeing activities and educational purposes in partnership with education providers. Also allow specific uses such as an outdoor classroom, pond dipping and for volunteering opportunities and organised open days
<b>Site Management</b>	Tenant to produce a Management Plan for approval by the landlord within one year of occupying the site. No late night activity as in a residential area.
<b>Access</b>	The Tennant shall not block the Landlord's right to access the land at any time or to impede any reasonable request to cross the land.