

## TENT 1

### Heads of Terms for Section 106 Agreement for 250 dwellings / 720 people

NB –

Assumes all current provision is inadequate (e.g. needs step D of Green spaces SPD to be carried out)

Does not take account of mix of dwelling size and tenure which may affect final contributions – e.g. secondary education contributions from dwellings exclusively for the elderly would not be required. Does not include any discussions on any priority issues in Tenterden which may influence final mix of contributions.

item	Planning Obligation	Amount(s)	Trigger Point(s)	Regulation 122 Assessment
1	<p><b><u>AFFORDABLE HOUSING</u></b></p> <p><i>Applies to:</i></p> <p>(i) developments of 15 dwellings or more</p> <p>(ii) residential sites of 0.5 ha or more</p> <p>Provide not less than <b>35%</b> of the units as affordable housing, comprising 60% social rented units and 40% in other forms of affordable provision (or such other proportion as the Council specifies) and to such standards, timings and other particulars as the Council specifies in an affordable housing scheme. The affordable housing shall be managed by a registered provider of social housing.</p>	<p><b>53</b> social rented units</p> <p><b>35</b> units in other forms of affordable provision</p>	<p>To be agreed in the affordable housing scheme to be approved prior to commencement.</p>	<p><b>Necessary</b> because it would provide housing for those who are not able to rent or buy on the open market pursuant to Core Strategy policy CS12, <b>TENT 1</b>, the Affordable Housing SPD and guidance in the NPPF.</p> <p><b>Directly related</b> because the affordable housing would be provided on-site in conjunction with open market housing.</p> <p><b>Fairly and reasonably related</b> in scale and kind based on a proportion of the total number of housing units to be provided.</p>
2	<p><b><u>CARBON OFF-SETTING CONTRIBUTION</u></b></p> <p><i>Applies to:</i></p> <p>(i) developments of 5 dwellings or more</p> <p>(ii) non-residential developments of at least 500 sq m gross external floor space</p> <p>(iii) any site of 0.5 ha or more</p> <p>Contribution to the Ashford Carbon Fund based on the residual carbon emissions of the development set out in the approved calculations of the actual amount of residual carbon emissions and quantified over 10 years.</p>	<p>To be calculated using the shadow price of carbon set out in the Sustainable Design and Construction SPD</p>	<p>Payable within 15 days of the Council's approval of the post construction assessment</p>	<p><b>Necessary</b> in order to ensure the development is carbon neutral pursuant to Core Strategy policies CS1, and CS10 (C), the Sustainable Design and Construction SPD and guidance in the NPPF.</p> <p><b>Directly related</b> because only carbon emissions from this development would have to be off-set.</p> <p><b>Fairly and reasonably related</b> in scale and kind because off-setting would not be required in the absence of carbon emissions from this development and any payment is based on the amount of carbon dioxide to be offset.</p>

3	<p><b><u>OUTDOOR SPORTS PITCHES</u></b></p> <p><i>Potentially applicable to all residential developments.</i> Contribution towards provision of or improvements to outdoor sports pitches and associated facilities and maintenance thereof.</p>	<p>1.6/1000 x 720 = 1.15ha or £1,589 per dwelling for capital costs (x 250 = £397,250) Plus £326 per dwelling for maintenance (£81,500)</p>	<p>In 3 equal tranches before completion of 25%, 50% and 75% of the houses</p>	<p><b>Necessary</b> because outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF. <b>Directly related</b> because occupiers will use sports pitches and the facilities to be provided would be available to them. <b>Fairly and reasonably related</b> in scale and kind considering the extent of the development, the number of occupiers and the extent of the facilities to be provided and maintained. The maintenance period is limited to 10 years.</p>
4	<p><b><u>INFORMAL / NATURAL GREEN SPACE</u></b></p> <p><i>Potentially applicable to all residential developments</i> Contribution towards provision of or improvements to informal/natural green space and associated facilities and maintenance thereof</p>	<p>2.0/1000 x 720 = 1.44ha or £434 per dwelling for capital costs (x 300 = £130,200) plus £325 per dwelling for maintenance (x 300 = £97,500)</p>	<p>In 3 equal tranches before completion of 25%, 50% and 75% of the houses</p>	<p><b>Necessary</b> because informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF. <b>Directly related</b> because occupiers will use informal/natural green space and the space to be provided as available to them. <b>Fairly and reasonably related</b> in scale and kind considering the extent of the development, the number of occupiers and the extent of the facilities to be provided and maintained; limit to 10 years.</p>

<p><b>5</b></p>	<p><b><u>CHILDREN'S AND YOUNG PEOPLE'S PLAY SPACE</u></b></p> <p><i>Potentially applicable to all residential developments</i></p> <p>Contribution towards provision of or improvements to children's and young people's play space and associated facilities and maintenance thereof</p>	<p>0.5/1000 x 720 = 0.30ha) or £649 per dwelling for capital costs (x 250 = £162,250) plus £663 per dwelling for maintenance (x 250 = £165,750)</p>	<p>In 3 equal tranches before completion of 25%, 50% and 75% of the houses</p>	<p><b>Necessary</b> because children's and young people's play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> because occupiers will use children's and young people's play space and the play space to be provided would be available to them.</p> <p><b>Fairly and reasonably related</b> in scale and kind considering the extent of the development, the number of occupiers and the extent of the facilities to be provided and maintained. The maintenance period is limited to 10 years.</p>
<p><b>6</b></p>	<p><b><u>ALLOTMENTS</u></b></p> <p><i>Potentially applicable to all residential developments</i></p> <p>Contribution towards provision of or improvements to allotments and associated facilities and maintenance thereof</p>	<p>0.2/1000 x 720 = 0.144ha) or £258 per dwelling for capital costs (x 250 = £64,500) £66 per dwelling for maintenance (x 250 = £16,500)</p>	<p>In 3 equal tranches before completion of 25%, 50% and 75% of the houses</p>	<p><b>Necessary</b> because allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> because occupiers will use allotments and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related</b> in scale and kind considering the extent of the development, the number of occupiers and the extent of the facilities to be provided &amp; maintained; limited to 10 years.</p>

7	<p style="text-align: center;"><b><u>STRATEGIC PARKS</u></b></p> <p><i>Potentially applicable to all residential developments</i></p> <p>Contribution towards provision of strategic parks and associated facilities and maintenance thereof (Is Tenterden Recreation Ground a Strategic Park in this context)</p>	<p>£146 per dwelling for capital costs (x 250 = £36,500)</p> <p>£47 per dwelling for maintenance (x 250 = £11,750)</p>	<p>In 3 equal tranches before completion of 25%, 50% and 75% of the houses</p>	<p><b>Necessary</b> as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2, CS18 and CS18a, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related</b> in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
8	<p style="text-align: center;"><b><u>CEMETERIES</u></b></p> <p><i>Potentially applicable to all residential developments</i></p> <p>Contribution towards provision of cemeteries and associated facilities and maintenance thereof.</p>	<p>0.6/1000 x 720 = 0.8ha or £284 per dwelling for capital costs (x 250 = £71,000 £176 per dwelling for maintenance (x 250 = £44,000)</p>	<p>In 3 equal tranches before completion of 25%, 50% and 75% of the houses</p>	<p><b>Necessary</b> as cemeteries are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2, and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use cemeteries and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related</b> in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

9	<p style="text-align: center;"><b><u>PUBLIC ART</u></b></p> <p><i>Applies to larger development schemes, especially those that create new areas of public realm</i></p> <p>Contribution towards the provision by the Council of public art on the site or within 600 metres of the site.</p>	<p>£120 per dwelling (x 250 = £30,000 )</p>	<p>Upon occupation of 50% of the dwellings</p>	<p><b>Necessary</b> in order to achieve an acceptable design quality pursuant to Core Strategy policies CS1 and CS9, and guidance in the NPPF, the Ashford Borough Public Art Strategy and the Kent Design Guide.</p> <p><b>Directly related</b> because it would improve the design quality of the development and would be visible to occupiers.</p> <p><b>Fairly and reasonably related</b> in scale and kind considering the extent of the development.</p>
10	<p style="text-align: center;"><b><u>MAINTENANCE OF PUBLIC ART</u></b></p> <p><b>Where the Council agrees to adopt:</b> Submit a scheme to be approved by the Council for the maintenance of the public art, maintain the public art in accord with the approved scheme for 12 months and then transfer the public art to the Council with a commuted sum for future maintenance Committed sums will be calculated by the Environmental Services Department of the Council</p> <p><b>and/or</b></p> <p><b>Where the Council does not agree to adopt:</b> Maintain the public art in accordance with a scheme submitted to and approved by the Council.</p>	<p>£ Currently unknown</p>	<p>Scheme to be approved prior to commencement. Payment upon occupation of [xx]% of the dwellings.</p>	<p><b>Necessary</b> because the Public Art must be maintained in order to continue to be of design value and in order to prevent Public Art becoming a disamenity pursuant to Core Strategy policies CS1 and CS9, and guidance in the NPPF, the Ashford Borough Public Art Strategy and the Kent Design Guide.</p> <p><b>Directly related</b> because only Public Art provided as part of the development would be maintained.</p> <p><b>Fairly and reasonably related</b> in scale and kind considering the extent of the Public Art.</p>

<p><b>11</b></p>	<p><b><u>VOLUNTARY SECTOR</u></b></p> <p><i>Applies to developments of 10 dwellings or more</i></p> <p>Contribution towards the provision of premises and facilities for use by voluntary organisations and towards community development and voluntary sector activity within the same settlement or in a reasonably accessible alternative location.</p>	<p>£83 per dwelling (x 250 = £24,900 )</p>	<p>Upon occupation of 50% of the dwellings</p>	<p><b>Necessary</b> to provide additional voluntary sector capacity required to meet the demand that would be generated pursuant to Core Strategy policy CS18, Tenterden and Rural Sites DPD policy TRS19 and guidance in the NPPF.</p> <p><b>Directly related</b> because occupiers will use the voluntary sector, and the additional capacity to be funded will be available to them.</p> <p><b>Fairly and reasonably related</b> in scale and kind considering the extent of the development.</p>
<p><b>12</b></p>	<p><b><u>PRIMARY SCHOOLS</u></b></p> <p><i>Applicable to residential developments of 10 dwellings or more (including affordable units)</i></p> <p>Contribution towards the <b>extension</b> of a primary school</p>	<p>£590.24 per applicable flat and £2,360.96 per applicable house</p> <p>(x 75 flats and 175 dwellings = £457,436)</p> <p><b>(N.B</b> this contribution may not be required if the number of applicable dwellings is less than the 250 assumed for this document)</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> because there is inadequate spare capacity at any primary school in the vicinity and pursuant to Core Strategy policies CS1, CS2 and CS18, saved Local Plan policy CF21, Tenterden and Rural Sites DPD policy TRS19, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p><b>Directly related</b> because children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related</b> in scale and kind considering the extent of the development and, because the amount has taken into account, the estimated number of primary school pupils is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>

<p><b>13</b></p>	<p><b><u>SECONDARY SCHOOLS</u></b></p> <p><i>Applicable to residential developments of 10 dwellings or more (including affordable units)</i></p> <p>Contribution towards the <b>extension</b> of a secondary school</p>	<p>£589.95 per applicable flat and £2,359.80 per applicable house</p> <p>(x75 flats and 175 dwellings = £457,211.25)</p> <p>(N.B this figure is a maximum as not all dwellings will count e.g. elderly persons units)</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> because there is no spare capacity at any secondary school in the vicinity and pursuant to Core Strategy policies CS1, CS2 and CS18, saved Local Plan policy CF21, Tenterden and Rural Sites DPD policy TRS19, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p><b>Directly related</b> because children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and, because the amount has taken into account the estimated number of secondary school pupils, is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
<p><b>14</b></p>	<p><b><u>COMMUNITY LEARNING</u></b></p> <p>Applies to developments of 10 dwellings or more.</p> <p>Contribution towards the construction and/or equipping of adult education</p>	<p>£36.79 per dwelling</p> <p>(x 250 = £9,197.50)</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings.</p>	<p><b>Necessary</b> because no adult education service space is available to meet the demand that would be generated and pursuant to Core Strategy policy CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p>

	premises within the same settlement or in a reasonably accessible alternative location			<p><b>Directly related</b> because occupiers will use adult education facilities and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related</b> in scale and kind considering the extent of the development and, because the amount has taken into account, the estimated number of users is based on the number of dwellings.</p>
15	<p><b><u>LIBRARY FACILITIES</u></b></p> <p><i>Applies to developments of 10 dwellings or more.</i></p> <p>Contribution towards the construction and / or equipping of library premises within the same settlement or in a reasonably accessible alternative location.</p>	<p>£218.18 dwelling (x250 = £54,545)</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings.</p>	<p><b>Necessary</b> because there is no adult education service space available to meet the demand that would be generated and pursuant to Core Strategy policy CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p><b>Directly related</b> because occupiers will use library facilities and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related</b> in scale and kind considering the extent of the development and because the amount calculated is based on the number of dwellings.</p>
16	<p><b><u>SOCIAL CARE</u></b></p> <p><i>Applies to developments of 10 dwellings or more</i></p>	<p>£9.40 per dwelling (x 250 = £2,350)</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50%</p>	<p><b>Necessary</b> because additional social services premises are required to meet the demand that would be generated pursuant to Core Strategy policy CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development</p>

	<p>Contribution towards the construction and/or equipping of adult social services premises within the same settlement or in a reasonably accessible alternative location.</p>		<p>of the dwellings</p>	<p>Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p><b>Directly related</b> because occupiers will use adult social services facilities and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related</b> in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
<p><b>17</b></p>	<p style="text-align: center;"><b><u>YOUTH SERVICES</u></b></p> <p><i>Applies to developments of 10 dwellings or more</i></p> <p>Contribution towards the construction and/or equipping of youth services premises within the same settlement or in a reasonably accessible alternative location</p>	<p>£26.50 per Dwelling (x 250 = £6,625)</p> <p>(N.B this figure is a maximum as not all dwellings will count e.g. elderly persons units)</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> because there is no spare youth service space available to meet the demand that would be generated and pursuant to Core Strategy policy CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p><b>Directly related</b> because occupiers will use youth service facilities and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related</b> in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>

18	<p align="center"><b><u>HEALTHCARE PROVISION</u></b></p> <p><i>Applies to developments of 10 dwellings or more</i></p> <p>Contribution towards the construction and/or equipping of Primary Care premises within the same settlement or in a reasonably accessible alternative location</p> <p>Although the Primary Care Trust requested a contribution towards the revenue costs of their facilities, this is not regarded as necessary.</p>	<p>£360 per predicted occupier (TBC) (x 600= £216,000)</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> because additional primary care premises required to meet the demand that would be generated pursuant to Core Strategy policy CS18, saved Local Plan policy CF19, Tenterden and Rural Sites DPD policy TRS19 and guidance in the NPPF.</p> <p><b>Directly related</b> because occupiers will use primary care facilities and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related</b> in scale and kind considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.</p>
19	<p align="center"><b><u>OFF-SITE HIGHWAY WORKS</u></b></p> <p>Provision of (to be determined) or Contribution towards .....</p>	<p>£</p>		<p><b>Necessary</b> in order to meet the demand generated by the development and in the interests of highway safety pursuant to Core Strategy policies CS1, CS2, CS15 and CS18, Tenterden and Rural Sites DPD policy TRS19, Kent Local Transport Plan and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will travel and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related</b> in scale and kind considering the extent of the development and because the amount has been calculated based on the scale of the development and the estimated number of relevant trips.</p>
20	<b><u>OFF SITE PARKING TO RESPOND TO</u></b>	<b><u>PARKING REQUIRE</u></b>	<b><u>MENT IN TENT 1</u></b>	<b>To be discussed</b>

<p><b>21</b></p>	<p><b><u>TRAVEL PLAN</u></b></p> <p><i>Applies to:</i>  <i>(i) non-residential developments that are likely to have significant transport implications</i>  <i>(ii) developments of 100 dwellings or more (subject to case-by-case assessment)</i></p> <p>Submit a travel plan to be approved by the Council which aims to reduce car use by occupiers and encourage alternative modes of transport. Implementation of the approved travel plan.</p>		<p>Travel plan to be approved prior to first occupation</p>	<p><b>Necessary</b> in order to promote public transport and encourage a modal shift away from private car use pursuant to Core Strategy policies CS1, CS2, CS15 and CS18, Kent Local Transport Plan and guidance in the NPPF.</p> <p><b>Directly related</b> because occupiers will travel and the measures to be implemented through the travel plan will be available to them.</p> <p><b>Fairly and reasonably related</b> in scale and kind considering the extent of the development and because the amount has been calculated based on the scale of the development.</p>
<p><b>22</b></p>	<p><b><u>TRAVEL PLAN MONITORING FEE</u></b></p> <p>Contribution towards the cost of monitoring compliance with the travel plan and helping to ensure its success</p>	<p>£5,000</p>	<p>£1,000 upon approval by the Council of the travel plan and £1,000 on the anniversary thereof for 4 years</p>	<p><b>Necessary</b> in order to ensure public transport is promoted and the modal shift envisaged by the travel plan takes place pursuant to Core Strategy policies CS1, CS2, CS15 and CS18, Kent Local Transport Plan and guidance in the NPPF.</p> <p><b>Directly related</b> as the travel plan needs to be implemented in order to ensure the development is sustainable.</p> <p><b>Fairly and reasonably related</b> in scale and kind considering the extent of the development and the monitoring to be carried out.</p>
<p><b>23</b></p>	<p><b><u>PROTECTED SPECIES</u></b></p> <p>Strategy for (to be determined)</p>			<p><b>Necessary</b> as the impact of the development on protected species and their habitats must be mitigated pursuant to Core Strategy policy CS11, saved Local Plan policy EN30 and guidance in the NPPF and Circular 6/05.</p>

				<p><b>Directly related</b> because mitigation would not be needed but for the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development.</p>
24	<p><b><u>MONITORING FEE</u></b></p> <p><i>Applies in all cases</i> Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.</p>	£3000 per annum until development is completed.	First payment upon commencement of development and on the anniversary thereof in subsequent years.	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p> <p><b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p><b>Fairly and reasonably related</b> in scale and kind considering the extent of the development and the obligations to be monitored.</p>
25	<b><u>ANY OTHER REQUIREMENTS</u></b>			

**Notices** will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be **index linked** (normally from the date of the Committee's resolution) in order to ensure the value is not reduced over time. The **costs**, expenses and disbursements of the Council's Legal and Planning Departments incurred in connection with the negotiation, preparation and completion of the deed are also payable. The Kent County Council will also require payment of their legal costs.