

TENDRING COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE

27 FEBRUARY 2023

A.2 UPDATE ON THE EMERGING APPROACH TO STEWARDSHIP FOR THE TENDRING COLCHESTER BORDERS GARDEN COMMUNITY

(Report prepared by Christopher Downes (Garden Communities Manager, Essex County Council))

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To update the Joint Committee on the emerging approach to stewardship at TCBGC. This report:

- Proposes a set of Emerging Stewardship Principles that articulates the Councils' ambition for aspirational stewardship at the Garden Community.
- Sets out how a pathway to evolving stewardship arrangements will be followed as part of the planning process of the Garden Community.
- Summarises the work that has already been undertaken on stewardship matters to date including feedback from consultation.
- Sets out the policy context of Section 1 of the Councils' Local Plans and the approach being taken as part of the Development Plan Document (DPD).

EXECUTIVE SUMMARY

Stewardship is an essential element of what will make the Tendring Colchester Borders Garden Community a successful and flourishing place. Reflecting the importance of stewardship to the overall TCBGC ambition, Section 1 of the shared Local Plans and the draft DPD include specific policy provision on stewardship, thus setting a policy context for the future design and establishment of detailed stewardship arrangements as the Garden Community progresses through the planning system.

Agreeing a set of Emerging Stewardship Principles at this stage of the planning process will ensure that clarity is provided to all stakeholders, including the Councils, local communities and community groups, the developers, and other parties likely to be impacted by future stewardship arrangements.

This set of principles can then be used to inform discussions with those stakeholders to ensure we work towards a common aim. It can also be used to inform any Memorandum of Understanding with the developers of TCBGC as part of the Examination in Public of the DPD.

As the detailed planning of the Garden Community progresses, so will the detailed planning of its stewardship arrangements. Given the interrelationship between the physical place (land uses, facilities, infrastructure, utilities, etc) and the way that that physical place is managed and maintained in the long-term, it will be essential that the two progress in tandem. An indicative pathway for evolving stewardship arrangements demonstrates how such a process will be followed.

RECOMMENDATION

That the TCBGC Joint Committee:

- 1) notes the emerging approach to stewardship set out in this report; and**
- 2) approves the Emerging Stewardship Principles as the foundation for future stewardship planning.**

EMERGING STEWARDSHIP PRINCIPLES

In order to articulate the Councils' ambition for aspirational stewardship at the Garden Community the Councils have been working together to establish a set of principles to inform this live area of planning.

This set of Emerging Stewardship Principles has been derived from, and builds upon, the established planning policy provision (in Section 1 and the draft DPD), the previous work undertaken on stewardship (both as part of North Essex Garden Communities and subsequently), and the views of stakeholders on this issue via the consultation responses received on the Draft Plan.

These guiding principles set out a starting point for further discussions with the relevant stakeholders, including Members of the Joint Committee, developers, community groups and other parties that may be impacted by stewardship arrangements at the Garden Community.

The principles provide additional detail on the Councils' vision for long-term stewardship and provide a basis for future work to be undertaken as part of future planning applications for the Garden Community.

- **Quality of place:** stewardship will ensure that the quality of place and services delivered in the Garden Community are seen to be exemplar and provide great places to live, work, visit, and play through generations.
- **Community assets:** stewardship will ensure that a range of assets are held in perpetuity in community ownership and managed for the benefit of the community. This will include income-generating and community-endowed assets. The legal basis of the stewardship body/ies will be designed to protect any assets held in trust for the community.
- **Community identity and cohesion:** stewardship will ensure that residents and business will be directly engaged in the long-term management of the community assets, fostering a shared sense of ownership and identity. Community development, including the facilitation of community organisations and events, will be an important role for the stewardship body/ies.
- **Professionalism and entrepreneurship:** stewardship will provide proactive management of land and property endowments, be entrepreneurial, develop around the unique nature of its place, and evolve as the community grows and circumstances change.

- **Financial sustainability:** stewardship arrangements will ensure that the Garden Community has long-term financial viability with stewardship bodies designed, established and funded to be financially self-sustaining with secure income streams. Where service charges are required, they will be set up and enforced in an equitable way with local control over the management of the system, with rent charges not being imposed on residents. Local authorities will be protected against financial liability or risk.
- **Accountability and governance:** the stewardship body/ies will be embedded in the local community and ensure open, transparent and accountable governance with the community having the ability to exercise influence and control over stewardship decisions and delivery. The legal form of the stewardship body/ies will be determined through consultation with relevant stakeholders.
- **Incremental approach:** the development of the Garden Community is a long-term undertaking and progress on stewardship will be incremental. Taking a staged approach to developing stewardship structures and identifying the opportunities that stewardship allows for due diligence and community engagement throughout the planning and development process.

A pathway for evolving stewardship arrangements at TCBGC

It is important to recognise that the future design of the stewardship arrangements at TCBGC will be influenced by a number of important considerations, many of which will only become more apparent as more detailed proposals start to emerge through discussions with a range of stakeholders, including the developers and community groups, and alongside more defined proposals for physical development on the site via future planning applications.

To illustrate, any future stewardship arrangement will need to be considered alongside:

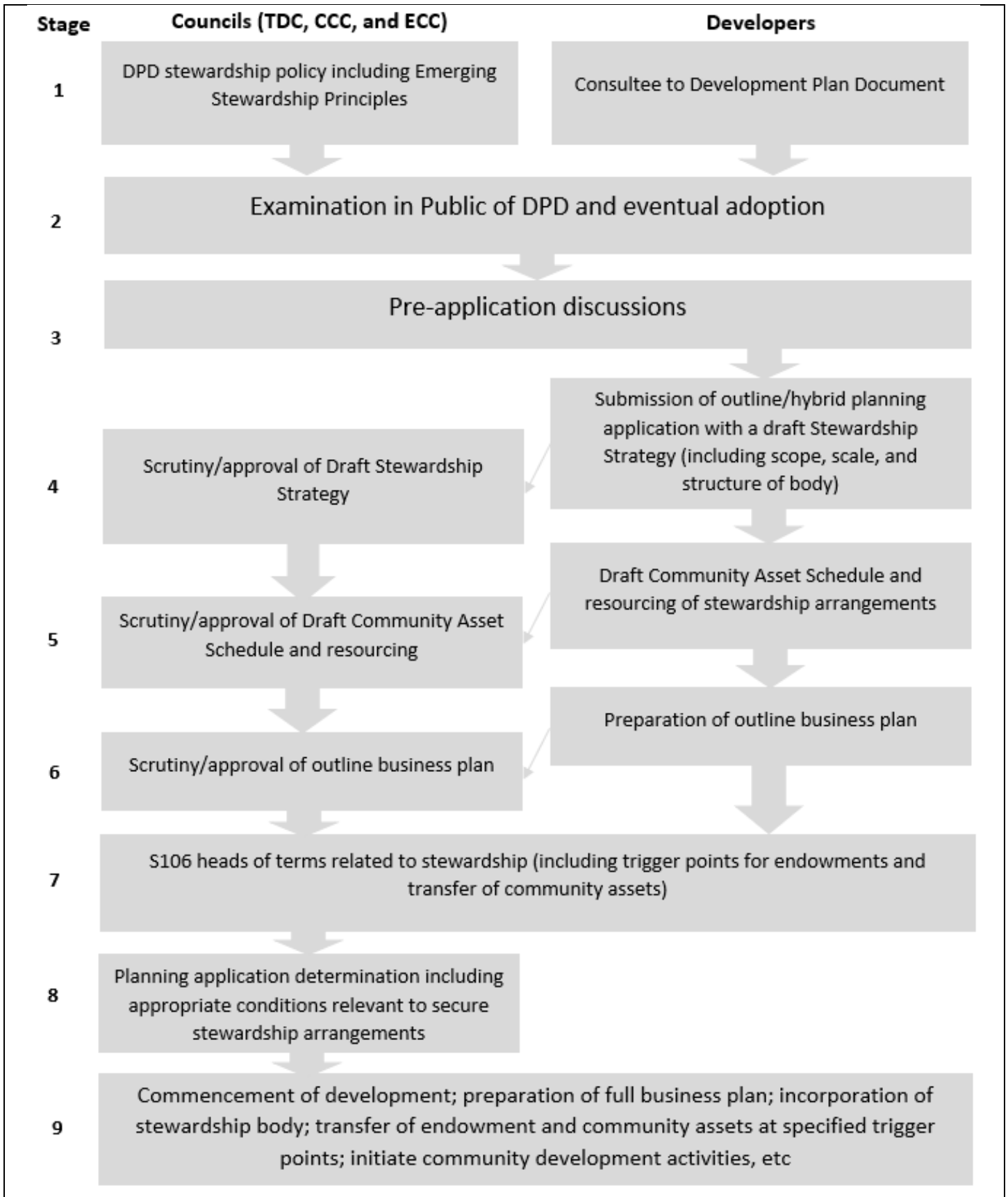
- A full review of appropriate governance structures, including defining the roles and responsibilities of various stakeholders, and ensuring that the governance of any such body/ies is appropriate, capable to discharge its range of functions, and overall is fit for purpose. This will be especially important given any new body/ies may have financial and asset management responsibilities.
- Full consideration of how such a structure will sit and work alongside other local bodies, including whether it should or would deliver functions and/or services which may currently be being delivered by others. It may be appropriate to create more than one stewardship entity to cover the different neighbourhoods of TCBGC, particularly where existing communities are concerned. The potential for a new parish council covering the Garden Community could also be explored. However, the implications for existing parished areas will need to be carefully considered and suitable engagement with relevant bodies carried out before a decision is made.

- A detailed scope and understanding of the specific assets, land uses, facilities and services which will be covered by stewardship arrangements. A stewardship body/ies could take responsibility for significant areas of land and buildings (both community and commercial), utilities (such as any local energy networks), and could deliver a range of other services to the local community.
- Detailed financial projections, through an initial outline business plan (evolving into a full business plan), setting out operating costs and income sources. This will need to consider and evaluate what is fair and appropriate across different stakeholders, including what may be fair and appropriate for new residents and occupiers and users of such activities and assets.
- An overall consideration of the viability of planning proposals and agreement to suitable developer contributions, and the best form they should take (for example the provision of land/facilities which may or may not include income-generating assets), the provision of upfront capital endowments and/or any phased approach to building up a sustainable funding arrangement.

As we progress other elements of the Garden Community such as housing, green infrastructure transport, and community uses, their relationship with stewardship arrangements will need to be considered. For example, ensuring land and facilities that are likely to come under the control of a future stewardship body/ies are designed and arranged in a way that optimises their long-term management and maintenance, and provide the best possible footing for the future stewardship body/ies.

As such, this workstream will continue evolving as the DPD makes progress towards examination and as the developers engage with the Councils through the pre-application stage and into the determination of planning applications. At each stage further information will be brought to the attention of the Joint Committee to inform decision-making.

The following process chart is intended to set out an indicative pathway towards establishing stewardship arrangements at TCBGC from the DPD to the determination of planning applications. It is not intended to be prescriptive or conclusive but rather to give an indication of the various stages involved, and the iterative nature of the process, in working towards an eventual stewardship solution capable of delivering the Councils' shared ambitions.



PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Members are reminded that TCBGC is a corporate priority for all three of the Councils. The adopted shared Section 1 of the Local Plans includes policies requiring the approach to stewardship to evolve alongside the wider planning process of the Garden Community.

RESOURCES AND RISK

Officers will continue to work with all relevant stakeholders to progress stewardship discussions and decision-making. At this stage in the process, the DPD maintains the requirement for stewardship matters to be addressed, as part of the evolution of more detailed proposals for the Garden Community.

The Councils will need to collaborate with the developers to ensure a smooth transition between the policy making process and the preparation of planning applications and to ensure that the policy requirements on stewardship will be met. The terms on which such collaboration will take place will be set out in a Planning Performance Agreement (PPA) between the Councils and the developers.

Ultimately, Members will be able to determine any future planning applications on their merits, and part of their consideration will be assessing how the policy requirements relating to stewardship have been addressed in subsequent planning applications.

LEGAL

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) make provision for the operation of the local development planning system including, for the purposes of this report, regulations relating to the preparation, publication and representations relating to a Local Plan or DPD and the independent examination.

Policies for stewardship are contained within the submission version of the DPD and will be tested for soundness at an Examination in Public. They therefore need to be robust and be appropriate to the stage that the proposals have reached and the level of detail available.

OTHER IMPLICATIONS

Area, Ward or Divisions affected: The Garden Community development will affect land within both the district of Tendring (TDC) and the City of Colchester (CCC), associated Essex County Council (ECC) Divisions and the corresponding local electoral wards of Elmstead Market, Ardleigh, Greenstead and Wivenhoe. The economic, social and environmental impacts of the development are likely to be felt, directly or indirectly, over a wider area – as reflected in its status as a strategic proposal in the shared Section 1 Local Plans for North Essex.

Consultation/Public Engagement: Public consultation on the first draft of a Plan for the Garden Community commenced on 14th March and closed on 25th April 2022 – during which Officers held a number of face-to-face drop-in events which were attended by around 190 visitors. All information was made available online. Additional consultation will occur on the submission version DPD prior to be considered via an Examination in Public. This process will allow all views on stewardship to be considered.

Equality and Diversity: The stewardship approach is intended to help create a successful place for all residents, visitors, businesses and organisations, and to help promote a sense of community and belongingness, with associated benefits for health and well-being.

Crime and Disorder: The stewardship approach will be important to help deliver a new community that works for all its residents, workers and visitors. It is aimed to be inclusive and ensure that local people become proud of and have a direct stake in the environment and place that they live and/or work in. This is anticipated to help address issues such as crime and disorder.

Health Inequalities: As above the principles set out earlier in this report are intended to help promote a sense of community and belongingness, with associated benefits for health and well-being.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Ensuring the long-term management, governance and stewardship of assets is a key component of a Garden Community, distinguishing it from standard forms of development. The importance of stewardship is reflected in its prominence in the Town and Country Planning Association's Garden City Principles.

In 2016, the North Essex Garden Communities (NEGC) Charter was published. The Charter set out ten placemaking principles that collectively articulated the Councils' ambition for a successful and flourishing Garden Community. Principle 8 of the Charter outlined the importance and approach to 'Active Local Stewardship'.

Building upon the Charter, Section 1 of the shared Local Plans includes policy references to stewardship. Policy SP8 (Development & Delivery of a New Garden Community in North Essex) includes the following policy wording:

- *'All development forming part of the garden community will comply with these principles: ... (ii) (c) providing and funding a mechanism for future stewardship, management, maintenance and renewal of community infrastructure and assets.'*
- *'...(xiv) Establishment at an early stage in the development of the garden community, of appropriate and sustainable long-term governance and stewardship arrangements for community assets including green space, public realm areas and community and other'*

relevant facilities; such arrangements to be funded by the development and include community representation to ensure residents have a stake in the long-term development, stewardship and management of their community.'

Policy SP9 (Tendring/Colchester Borders Garden Community) includes the following wording:

- *'The DPD and any planning application will address the following principles and requirements.... 24. Establishment at an early stage in the development of the garden community, of appropriate and sustainable long-term governance and stewardship arrangements for community assets including green space, public realm areas and community and other relevant facilities; such arrangements to be funded by the development and include community representation to ensure residents have a stake in the long-term development, stewardship and management of their community.'*

In addition to this policy provision, as part of the Examination of the Local Plans, the Councils published a document, 'Stewardship for Garden Communities Topic Paper' in October 2017. That topic paper set out the initial thinking on a number of related subjects including: the importance of long-term stewardship; a summary of options that had been considered; implications for stewardship in delivering Garden Communities; and decision-making in respect of stewardship.

Community and stakeholder engagement on stewardship since Section 1 adoption

From February to October 2021 a series of engagement activities took place. The Councils led informal engagement activity asking for general ideas and input as they worked towards producing the Draft Plan for TCBGC.

Another programme of engagement was led by Traverse and Community Regen, in support of Prior + Partners, and their work towards creating a Vision for TCBGC, as well as a series of masterplan layout options.

The findings from both programmes of engagement showed that stewardship was mentioned in general terms overall, with particular focus on maintenance issues and the need for assets to generate revenue to enable that maintenance. Respondents spoke of the need for TCBGC to foster a sense of community and shared responsibility for the maintenance of TCBGC to ensure its longevity – such as community litter picking projects and tree planting, etc. Other stakeholders mentioned the importance of stewardship providing employment opportunities for local people.

No specific consensus on a stewardship model was widely suggested. Many agreed that any model should include the local community, while some others felt that the Councils should take responsibility for the maintenance and management of TCBGC. Some suggested a parish council model, and some suggested a homeowners'/residents' association, while others spoke about self-funded maintenance through resident-run cooperative businesses, such as community kitchens.

Stewardship in the Development Plan Document (DPD)

The draft DPD for TCBGC was published in March 2022, and as a result of the Visioning work undertaken by Prior + Partners, stewardship was covered as part of the Community and Social Infrastructure chapter:

Community and Social Infrastructure Vision

The Garden Community will be known for its healthy and happy community. It will have a variety of diverse community spaces, play spaces, great local schools and a network of sport and leisure facilities. It will establish long term and participative stewardship of infrastructure from the outset. Long term stewardship and governance will be considered and built-in from the initial stages of planning and designing the Garden Community. A clear understanding will be established from early on, of how the assets generated by the development process will be managed on behalf of the community in perpetuity and how income streams will be generated. Meaningful community participation will be established from the outset to enable people to engage in the management of their infrastructure. Community needs and opportunities will be identified in a participative manner and there will be local representation on delivery teams and partnerships.

A consultation on the draft DPD for TCBGC was carried out from 14 March until 25 April 2022. A summary of feedback on stewardship matters that arose through the consultation is summarised in the points below:

- How will any stewardship model overlap with existing local government structures.
- A stewardship strategy is needed as early as possible.
- Any stewardship strategy should benefit new and existing residents.
- Why was the Rapid Transit System excluded from the stewardship policy.
- Any stewardship model will need a dedicated income stream - commercial property gifted to a community run entity to cover annual cost of stewardship.
- Any stewardship body should be town council run.
- A stewardship body is critical for the success of green infrastructure.

The Community Liaison Group (CLG) support the need for long-term stewardship and governance of TCBGC. The CLG has expressed themselves, unanimously, keen as a body to work with the Councils and the developers to develop this stewardship role as residents from surrounding communities with a view to ceding the role to new residents as the first neighbourhood begins to be populated.

Following consultation on the draft DPD in 2022 the Councils have amended the document so that it now includes a specific policy on stewardship. Having such a policy in place at this stage of the

planning process provides the Councils and interested stakeholders with confidence that the stewardship aspirations will be met in subsequent planning applications. It also means that TCBGC is in a favourable position compared to other Garden Community schemes in Essex and elsewhere in England.

In addition to specific policy wording the supporting text to the policy explicitly references the Emerging Stewardship Principles to further instil confidence that they will be incorporated into development proposals. If necessary, the Councils will seek to agree a Memorandum of Understanding with the developers using these principles as the basis for agreement.

Lastly, the Infrastructure Delivery, Phasing and Funding Plan includes reference to necessary developer contributions towards stewardship activities, which have also been included in the separate financial viability update. These contributions are initial assumptions and will be subject to further assessment and change as the proposals are worked up in more detail. Having such a reference at this stage of the planning process places the Councils in a strong position when it comes to the negotiation of future planning obligations (through s.106 Agreements).

Next steps on stewardship

As the Councils move towards the submission, examination and eventual adoption of the DPD, a Stewardship Working Group will be established (following on from a similar workstream being formed as part of North Essex Garden Communities). This Working Group will be responsible for maintaining momentum on stewardship matters through pre-application discussions with the developer and be responsible for liaising with a variety of stakeholders as stewardship arrangements become more defined.

In order to learn from established successful stewardship models a study visit will be arranged for Members of the Joint Committee in 2023. This could include visiting places such as Letchworth (Letchworth Garden City Heritage Foundation) and Milton Keynes (MK Parks Trust). This will provide a further opportunity for Members discuss stewardship matters at TCBGC.

Appendix – examples of existing stewardship arrangements

Lightmoor, Telford

Lightmoor Village in Telford, Shropshire, is a recent development consisting of 1,000 homes, a school, a community facility, a playing field and parks, and a village centre, which includes shops and a nursery. The development of Lightmoor was undertaken as a joint venture by Bournville Village Trust and the Homes and Communities Agency (now Homes England), working closely with the local authority, Telford & Wrekin Council.

A key priority of Lightmoor was the promotion of resident involvement in the life of the village. As at Bournville itself, a strong emphasis is placed on providing the infrastructure needed to promote health and wellbeing and create a flourishing mixed community. The Trust's commitment to community development and management sets it apart from standard developments, and its stewardship model is the vehicle used to meet its aims.

The Trust owns the land, and properties are being sold freehold and leasehold with covenants in place. The covenants include a maintenance charge which goes towards delivering community services, as well as providing a 'wear and tear' fund, obligations to maintain the properties, and a requirement to seek permission from the Trust for certain alterations.

A long-term commitment to management and maintenance, to ensure that it continues to flourish in 100 years' time and beyond, is an integral part of how Lightmoor is managed, and characteristics of the stewardship model include a design guide to control building alterations, a commitment to public and open space, and resident involvement and empowerment in decision-making – including through the Lightmoor Village Estate Management Committee.

In 2015, the Trust held over 100 community events, and it plants a tree in the community orchard every time a child is born in the village – a nod to George Cadbury's original initiative at Bournville, where every garden was provided with a fruit tree.

Further information is available from <http://www.lightmoorvillage.org.uk>

Chilmington Green, Ashford

Chilmington Green is a new community of up to 5,750 homes to the southwest of Ashford, Kent with associated infrastructure that includes schools and a wide range of community facilities. Following lengthy research into the best way to secure long-term stewardship objectives, it was agreed (and set out as part of an area action plan for the site) to take a community management approach, to give residents influence over their community.

The Chilmington Green Community Management Organisation (CMO) is a charitable company and levies an annual estate rent charge on residential freeholders and landlords of residential property.

This indexed-linked levy contributes to meeting the costs of landscaping open space, management of the public realm, and the maintenance and replacement of built community assets. The CMO is also endowed with some commercial property and received a ten-year developer deficit grant. Whilst residents do have a say in the CMO, the developers retain a majority of voting rights in the short to medium and control of land at the site (until the development is complete).

The business model provides a strong financial base from which the CMO can operate confidently from the outset and well into the long term, caring for community facilities and providing a varied programme of activities which meets residents' needs. Before the planning obligation agreement was signed, significant business modelling took place to reassure the council that the CMO was viable in the long term. The governance arrangements have been structured to ensure an equal balance of representation (between the developers and other parties) throughout the development process and a clear hand-over of control to residents when the developers leave the site. This required many months of negotiation and is supported by a framework agreement setting out key elements to be agreed with the key parties (developers, the council, and the CMO board) before some decisions are taken.

There are section 106 obligations on the developers to consult the CMO and the community on related matters, including sign-off on consultation briefs and design briefs and specifications for key community facilities. The likelihood is that the CMO will in any case be working with the developer team to shape these documents and approaches.

The council has developed an early community development strategy which spans the first three years of development, providing opportunities for early engagement and involvement in decision-making by the community. The strategy provides a framework for the multiplicity of partners to use to deliver community development activity and focuses activity on the early section 106 deliverables. As part of pre-commencement conditions, the developers had to submit a 20-year business plan (with a focus on the first five years) to demonstrate that the CMO was viable, that the focus for delivery met the aspirations of all parties, and that the scale of resources (primarily staffing) was appropriate to need and in line with the facilities/assets to be adopted by the CMO.

Prior to the first occupation, the developer had to discharge a number of conditions associated with the CMO, including setting up a CMO working group, funding the set-up costs of the CMO and early community development work, incorporation of the CMO as a limited company, location, and provision of the first CMO temporary premises, and the development of a welcome pack for residents. The council is working in partnership with the developers created a CMO team of three part-time officers, part funded by the section 106 contributions.

More information can be found at <https://www.ashford.gov.uk/planning-and-development/major-developments/south-of-ashford-garden-community/chilmington-green/>

Parks Trust, Milton Keynes

The Parks Trust in Milton Keynes was set up in 1992 to care for most of the city's green space and ensure that the green landscape would be managed and protected forever, without having to compete with other council priorities for funds. It was endowed with a substantial property and investment portfolio, income from which pays for its work in nurturing and enhancing the landscape. The Trust is entirely self-financing and manages over 5,000 acres of river valleys, woodlands, lakesides, parks, and landscaped areas alongside the main roads – about 25% of the new city area.

More information on the Trust can be found at <https://www.theparkstrust.com/>

The Land Trust, Beaulieu, Chelmsford

At Beaulieu in Chelmsford, developers Countryside and L&Q recognised the importance of green spaces and the value they add to developments. Working with Chelmsford City Council they chose the Land Trust to take on the long-term ownership and management of the green infrastructure on the site.

By the end of the 20-year build-out, the Land Trust will manage the 72 hectares of parks and open spaces incorporated into the original masterplan, ranging from formal parks, village greens and children's play areas to orchards, community gardens and natural meadows. As the development progresses, the open space is being transferred in phases to Beaulieu Estate Management Ltd, a wholly owned subsidiary of the Land Trust.

The Land Trust will take care of the estate parkland indefinitely on behalf of, and in partnership with, the Beaulieu residents and the wider local community through the collection and administration of a service charge. And as with all of its sites, the Land Trust is encouraging residents to engage, provide feedback and views, establish a 'friends' group, participate and run community events, and help shape how green spaces are maintained and used.

The Land Trust believes that development is not just about looking after buildings or cutting grass – it is about creating communities; creating places in which people will want to live, work and play. By incorporating the set-up costs and a sustainable funding structure at inception, Countryside and L&Q are aiming to ensure that the new community they are creating will continue to be well maintained during the build-out phase and long into the future.

More information can be found at <http://thelandtrust.org.uk/space/beaulieu-chelmsford/>