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TENDRING COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE

1 MAY 2025

A.2 PATHWAY TO STEWARDSHIP REPORT – APPROVAL OF GUIDANCE

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

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT
<p>To approve the Pathway to Stewardship report as forming part of the planning guidance for determining planning applications at Tendring Colchester Borders Garden Community in respect of stewardship matters.</p>

EXECUTIVE SUMMARY
<p>As part of the partner Councils' commitment to comprehensively plan for the delivery of the Tendring Colchester Borders Garden Community (TCBGC), specialist consultants (Community Stewardship Solutions (CSS)) was commissioned, following a competitive tendering exercise, to prepare guidance on future stewardship requirements at the Garden Community.</p> <p>The aim of the commission was to enable the Councils to be better informed and more prepared for the consideration of stewardship proposal as they come forward through the planning process. Stewardship is of course an integral part of the planning requirements for TCBGC, as set out in the adopted Section 1 Local Plan and the Development Plan Document.</p> <p>Throughout 2024, CSS undertook a series of meetings and interviews with local stakeholders and interested parties to gather views on potential community governance solutions at TCBGC. CSS was also able to draw upon its considerable experience of planning stewardship arrangements at strategic developments and apply it to TCBGC.</p> <p>The commission culminated in the Pathway to Stewardship and Placemaking document which is attached to this committee report. The document includes commentary and bespoke recommendations related to a number of areas that CSS consider to be intrinsic to progressive and effective stewardship arrangements, including accountable governance, financial sustainability and community enablement.</p> <p>The Pathway to Stewardship and Placemaking document, if approved by the Joint Committee, will form part of the partner authorities' planning guidance that will be applied in the determination of</p>

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relevant planning applications at TCBGC, particularly in relation to the future Stewardship Strategy to be submitted with the planning application.

In respect of the reference to the particular characteristics of TCBGC in that the development sits across both the Parishes of Ardleigh and Elmstead, as well as an area of unparished land, it should be noted that the Pathway document was finalised prior to Essex being included within the Government's Priority Programme for Devolution and Local Government Reorganisation. Therefore, any decision to commence a Community Governance Review to explore a change to the existing boundaries of the two Parishes within the Tendring district, should be undertaken at the appropriate time. The second recommendation requests Tendring District Council to give consideration to this in light of Local Government Reorganisation.

RECOMMENDATION

That the Tendring Colchester Borders Garden Community Joint Committee:

- a) approves the Pathway to Stewardship report as planning guidance for future decision making in relation to stewardship and related matters at Tendring Colchester Borders Garden Community; and**
- b) recommends to Tendring District Council that a Community Governance Review be undertaken, at the appropriate time, to look at the current parish boundaries within the area for the Garden Community and consider whether there is potential to create a new parish for the Garden Community or un-parish the existing area in readiness for development of the Garden Community and Local Government Reorganisation.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Effective stewardship arrangements are essential to the success of the development of TCBGC as a core component of the Vision for the Garden Community set out in Section 1 of the Shared Local Plan and the Development Plan Document. Approving the Pathway to Stewardship and Placemaking document will support the realisation of that Vision.

RESOURCES AND RISK

Stewardship as a concept is concerned with the long-term governance of places. This includes both the management and maintenance of physical assets such as civic spaces, green and blue infrastructure, and public facilities, as well as enabling a cohesive new community through participatory governance arrangements. Investing in appropriate stewardship arrangements will

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mean that estate management at TCBGC is established on a financially sustainable foundation, and that governance structures and processes are transparent, effective and accountable.

By establishing such stewardship arrangements at TCBGC, decision-making will be more localised, with residents (and other stakeholders) having more of a say in how their neighbourhoods are managed over time. The future stewardship body will have to be established on a sustainable financial footing, balancing its revenue sources with its costs and liabilities. It will also have to incorporate accountable governance structures to allow for proper representation and robust oversight in the undertaking of these responsibilities. Localising decision-making by placing responsibility for estate management on the stewardship body also reduces the resource burden, corporate risk, and financial exposure of the partner Councils.

LEGAL

The Pathway to Stewardship and Placemaking document makes a number of recommendations relating to future governance and community participation at TCBGC. Many of these recommendations will have legal implications given the role of the stewardship body in collecting service charges, managing community assets, and providing an accountable and democratic process for community representation.

These legal implications will have to be thoroughly considered as part of the master developer's Stewardship Strategy to ensure that future arrangements provide appropriate structures and processes to safeguard residents' and businesses' interests, for example by incorporating a fair and appropriate process for the enforcement of service charges.

Stewardship proposals will also have to be considered to ensure that there are no adverse impacts on the partner Councils in terms of their statutory responsibilities and duties.

A thorough consideration will also have to be made of how future stewardship arrangements at TCBGC interact and complement existing parish councils. The Pathway to Stewardship and Placemaking document recommends that a community governance review is carried out to achieve that outcome. This may also involve reviewing the potential for a parish precept rebate in specific areas as also mentioned in the document.

The process for determining the community governance arrangements for the Garden Community is through a community governance review under the provisions of the Local Government and Public Involvement in Health Act 2007. Community governance reviews include Parish/Town Council arrangements for the review area. The review body defined in the 2007 Act is the appropriate lower tier principal Council (Tendring District Council for the current parished areas). In exercising those review powers, principal councils are required to have regard to guidance issued by the Secretary of State and the Local Government Boundary Commission for England (LGBCE).

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Local government reorganisation is governed by Part 1 of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act'). The Secretary of State can at any time invite proposals for unitary local government from local authorities and also has the power to direct authorities to submit proposals. The criteria against which proposals are to be judged can be set out in the invitation/direction. The law says that local authority boundaries may not cross police force boundaries but can otherwise be whatever best meets the criteria.

Since the Pathway document was finalised in December 2024, the City, County and District Councils received a formal Invitation from the Minister of State for Local Government and English Devolution to develop a proposal for local government reorganisation, setting out the criteria against which proposals will be assessed, guidance for the development of the proposals and the timeline for this process.

OTHER IMPLICATIONS

Area, Ward or Divisions affected: The Garden Community development will affect land within both TDC and CCC authority boundaries, associated ECC Divisions and the corresponding local electoral wards of Elmstead Market, Ardleigh, Greenstead and Wivenhoe. Stewardship arrangements could also affect neighbouring Parish/Town Councils in Ardleigh, Elmstead and Wivenhoe.

Consultation/Public Engagement: The Local Plan and DPD have been subject to comprehensive public consultation and engagement to meet statutory requirements. As part of their commission CSS has carried out an extensive engagement exercise including meeting with neighbouring parish councils, Joint Committee Members, and community, volunteer, and faith groups in the surrounding area of TCBGC.

Equality, Diversity and Human Rights implications: Stewardship is intended to help create a successful place for all residents, visitors, businesses and organisations associated with TCBGC, and to help promote a sense of community and belongingness, with associated benefits for health and wellbeing. Whilst the Pathway to Stewardship and Placemaking report does not require an Equality Impact Assessment, one was carried out for the DPD, and is available to view by clicking on this link: [Equality Impact Assessment](#).

Financial implications: The approval of the Pathway to Stewardship and Placemaking report as guidance to inform the determination of planning applications at TCBGC does not directly have any financial implications. However, the report does contain recommendations pertaining to the financial sustainability of the future stewardship arrangements at TCBGC. By following these recommendations, the financial exposure of the partner authorities (and others) should be reduced.

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Health, Wellbeing and Community Safety Implications: The Pathway to Stewardship report's objective is to inform the future planning of stewardship arrangements at TCBGC which will have a direct positive effect on the future community as well as existing communities in the area.

Health and Safety Implications: No direct implications.

Risk Management Implications: The approval of stewardship guidance in relation to the determination of planning applications at TCBGC will reduce the risk of allowing unsustainable, inequitable, and/or ineffective community governance arrangements to be put in place.

Environmental and Sustainability Implications: Effective stewardship arrangements can have a positive bearing on the environmental and sustainability objectives of the partner authorities. For example, TCBGC will accommodate significant areas of green spaces and those areas will require ongoing management to ensure that they are not only well-maintained for public access, but also provide complementary ecological and climate mitigation/resilience benefits.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Planning policy context

The commissioning of the Pathway to Stewardship and Placemaking document is the culmination of comprehensive planning process for stewardship matters at TCBGC. The importance of stewardship is reflected in Section 1 of the shared Local Plans which 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'*

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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.'

The Development Plan Document takes the Section 1 Local Plan requirements a stage further by providing more information on the expectations of future stewardship arrangements. GC Policy 6 (Community and Social Infrastructure) states the following:

- ***Part F: Stewardship***

To help establish a strong community, arrangements for the sustainable long-term governance and stewardship of local assets, and community development activities appropriate to the creation of a new community, must be agreed as part of the planning permissions and planning obligation agreement(s) relating to the site (except for those applications related to the provision of the A120-A133 Link Road or RTS). Provision will need to be made and agreed to ensure the appropriate financial, physical, and human resources are secured to deliver stewardship aspirations. This will include the transfer of suitable income-generating assets, or equivalent endowment, that can provide a long-term source of revenue for the stewardship body.

The preferred solution for stewardship arrangements will need to be determined as part of future planning permissions for the site. This will be achieved through collaboration between the developers, the Councils (including Essex County Council), and other relevant stakeholders, and will be secured through planning conditions or planning obligations attached to planning permissions.

Developer contributions will be required to fund the initial set up and running costs, including staff, premises, and equipment costs. This support will need to be provided for a minimum of 10 years, or until such time as stewardship activities are financially self-sustaining, before the occupation of the first home.

GC Policy 6 goes on to set out the requirements for planning applications at TCBGC and includes the following requirement:

- *A detailed Stewardship Strategy, supported by a (independently reviewed) business case, will need to be prepared and agreed in writing with the Councils which will need to establish the scope of the stewardship and community governance arrangements, how it will evolve and develop over time, and the long-term financial sustainability of the model. This strategy will need to show how the arrangements proposed will successfully interact with and work alongside existing local governance arrangements including town/ parish councils.*

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In the supporting text, the DPD also includes a set of core principles which should be factored into stewardship and governance proposals:

- ***To achieve a high quality of place:*** to ensure that the quality of place and services delivered are exemplar and provide great places to live, work, visit, and play.
- ***To steward a range of community assets:*** to ensure that a range of assets are held in perpetuity in community ownership and managed for the benefit of the community.
- ***To promote community identity and cohesion:*** to ensure that residents and business are directly engaged in the long-term management of the community assets, fostering a shared sense of ownership and identity.
- ***To act with professionalism and entrepreneurship:*** to provide proactive management of land and property endowments, be entrepreneurial and evolve as the community grows and circumstances change.
- ***To be financially sustainable:*** to be long-term financially viable and self-sustaining with secure income streams. If and 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 and local residents must be protected against financial liability or risk.
- ***To be accountable and well-governed:*** to 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 will be determined through consultation with all relevant stakeholders.
- ***To be adaptable and follow an incremental approach:*** to recognise the long-term undertaking and take 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.

Background to Pathway to Stewardship and Placemaking commission

With the above policy requirements in mind, and the recognition of the importance of stewardship to the overall success of the Garden Community, the partner Councils carried out a competitive tendering exercise to attract specialist stewardship consultants. The aim of the commission was to progress the policy requirements from the Local Plan and DPD and establish planning guidance in the form of a framework to support the Councils' future determination of stewardship proposals at TCBGC. Given the DPD's requirement for a Stewardship Strategy to be submitted with the planning application, it is vital that the Councils have a thorough understanding of how the ambitious policy requirements can be translated into practical and deliverable proposals in parallel with the development of TCBGC.

The procurement process led to the appointment of CSS in May 2024. Throughout the summer and autumn of 2024 CSS undertook an extensive programme of engagement with interested parties to better understand the views of key stakeholders, such as neighbouring parish councils, and also

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community, volunteer, and faith groups. Part of their commission involved carrying out a community mapping exercise to set out existing community activities, and the availability of community assets, in the area. The output of that exercise is CSS's Community Mapping Report, which is appended to the final document.

Challenges that stewardship proposals will have to address at TCBGC

The scale of TCBGC, in combination with the partner Councils' aspirations for high-quality development, mean that a significant array of community facilities will need to be incorporated into its design. These community facilities, through localised management and oversight by a stewardship body, will become community assets. At TCBGC community assets will include:

- The Salary Brook Country Park
- Significant amounts of green open spaces, including wildlife corridors
- Community centres
- Sports pitches and play areas
- Community food growing areas
- An extensive active travel network
- Sustainable drainage systems (SuDS)

With such an array of community assets, there will be a matching array of challenges to ensure that they are well managed in perpetuity. Effective stewardship arrangements will be able to address these challenges, or at least provide the future community with the tools to address them.

Whilst not all such challenges will be foreseeable at this stage of planning, it is useful to understand the types of issues that have arisen elsewhere. When looking at other largescale new housing-led developments, a number of issues arise with how community assets are managed and how new residents successfully (or unsuccessfully) integrate with other residents. Some of these are mentioned in the Pathway to Stewardship and Placemaking document and are set out below:

- inconsistency of standards for open space management
- new settlement blues where new residents can feel socially isolated
- snobbery and/or conflict between private residents and affordable housing tenants
- lack of residents' buy-in and sense of ownership of the new community
- lack of local stakeholder interest
- dilution of the original ambitions for the development
- conflict between existing surrounding communities and the new development

Key recommendations

As described above, the Pathway to Stewardship and Placemaking document provides guidance to the partner Councils and will act as the framework for determining future stewardship proposals at TCBGC. In addition to overcoming the challenges set out above, the guidance will be particularly useful in the partner authorities' consideration of the Stewardship Strategy, which is a requirement

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of DPD in relation to planning applications. In that respect, the document will become a material consideration in the determination of future planning proposals.

The document contains a number of key recommendations, grouped together in topic areas. These recommendations will need to be carefully considered by the partner Councils and by the master developer. The Pathway to Stewardship and Placemaking recommendations are summarised below.

- **Community facilities recommendations**

- inclusive and accessible community facilities that encourage early integration and establish trust with local communities
- a strategic and collaborative partnership that promotes community cohesion (establishing a network of complementary community facilities)

- **Placemaking recommendations**

- creating an environment that promotes and enhances sustainable living (including community food growing; active travel infrastructure; the enablement of activities and events)

- **Governance and participation recommendations**

- creating mechanisms for early community participation (including the establishment of a 'TCBGC Trust' to act as the core stewardship body; a TCBGC Community Forum; Neighbourhood Advisory Groups; and 'Friends of Salary Brook Country Park' Group)
- A Community Governance Review to be undertaken (at an appropriate time and subject to TDC decision making, taking into account current ongoing local government reform)

- **Finance and funding recommendations**

- An equitable and affordable service charge with fair and proportionate enforcement mechanisms
- A mixed income model for strategic assets to ensure diversification of finances
- Long-term funding security including master developer start-up funding/endowment

Next steps

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 the planning process via future planning applications. The policy requirements in the Local Plan and the DPD, in combination with the

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recommendations in the Pathway to Stewardship and Placemaking document provide the partner Councils with an excellent foundation to assess future stewardship proposals. However, it should be recognised that TCBGC is a long-term development project, spanning potentially over 30 years, so stewardship proposals will inevitably evolve over that time to reflect the needs of the new community.

To illustrate, future stewardship arrangement will need to be considered alongside the detailed consideration of a number of matters:

- 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 is appropriate, capable to discharge its range of functions, and overall is fit for purpose. This will be especially important given that the new body will 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. The potential for a new parish council covering the Garden Community, and/or changes to existing parish boundaries, could also be explored through a Community Governance Review, although that will be subject to decision-making by TDC.
- A detailed scope and understanding of the specific assets, land uses, facilities and services which will be covered by stewardship arrangements. The stewardship body will take responsibility for significant areas of land and community buildings), as well as delivering a range of 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 and community facilities which could include income-generating assets), the provision of upfront capital endowments and any phased approach to building up a sustainable funding arrangement.

Through the continued consideration of these matters as the TCBGC development becomes more defined, the approval of the Pathway to Stewardship and Placemaking document by the Joint Committee will support the partner Councils' in realising the TCBGC Vision.

As set out above, the guidance document includes a set of bespoke recommendations that will need to be carefully explored by the Councils and the master developer. The approval of this guidance

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document will support this ongoing process by allowing the Joint Committee to take its findings into account as a material consideration in determining planning applications.

APPENDICES

Appendix 1 – Pathway to Stewardship and Placemaking document

BACKGROUND PAPERS

None.