

Committee(s): Policy, Resources and Economic Development Committee	Date: 14 September 2022
Subject: Dunton Hills Garden Village Long-Term Stewardship and Legacy	Wards Affected: Herongate, Ingrave and West Horndon
Report of: Phil Drane, Director of Place	Public
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Summary

Dunton Hills Garden Village is the borough's largest development site, which is set to deliver a new mixed-use community of approximately 4,000 homes and substantial employment, along with supporting infrastructure.

The site was allocated for development in the council's new local plan 2016-2033 (i.e. removed from the Green Belt). Site specific policies set out what and how the development should be delivered. A key priority of the project is to ensure effective and viable long-term stewardship of spaces and community infrastructure for the new community.

This report sets out a set of expectations for long-term stewardship and legacy arrangements at Dunton Hills Garden Village. It explores six case study examples and reviews recent practice notes from respected bodies to inform a set of expectations for stewardship and legacy at the garden village (Appendix A). Reviewing these case studies and learning from other garden community experience, some initial thoughts on what is likely to work at Dunton Hills Garden Village are provided (Appendix B).

This informs four overarching and high-level key principles for long-term stewardship (Appendix C). These key principles are recommended for approval by the committee in order that they can shape more detailed stewardship proposals to be brought back to the committee for approval in due course. The key principles mainly centre on need for a stewardship arrangement that is community led.

Agreement of the key principles is an important step in progressing a bespoke stewardship body for Dunton Hills Garden Village. These will help measures to be embedded as part of the determination of the current planning application for the majority of the site (Ref. 21/01525/OUT) and aim to address local plan policy requirements (Policy R01 (II)).

Recommendations

Members are asked to:

R1. Approve the overarching key principles for long-term stewardship at Dunton Hills Garden Village, as set out in Appendix C; and

R2. Use the key principles to inform specific stewardship measures to be brought to a future meeting of the Policy, Resources and Economic Development Committee, to address the related planning policy requirements including Local Plan (2022) Policy R01 (II).

Main Report

Introduction and Background

1. Long-term stewardship of public space and community assets is a fundamental part of garden community developments and is one of the key drivers that will define Dunton Hills Garden Village, giving residents and workers long-term management and maintenance decisions for public spaces and community assets. Putting in place sustainable long-term arrangements for management and maintenance of public spaces and community assets will be an important aspect of maintaining the quality expected at Dunton Hills. It also an opportunity to encourage community development and involvement, creating a sense of place and pride for the new community.
2. The Dunton Hills project has progressed in its evolution and specific related planning policy has now been adopted in the council's new local plan. Policy R01 (II): SPATIAL DESIGN OF DUNTON HILLS GARDEN VILLAGE (Delivery and Legacy) reads:

(8). "Proposals shall include a supporting statement which addresses the long-term governance and stewardship arrangements (including the management, maintenance and renewal) of the green and blue infrastructure, the public realm, community and other relevant public facilities. Planning obligations will be sought to secure the long term funding, maintenance and stewardship of the assets where necessary."
3. A related outline planning application (Ref. 21/01525/OUT) has also been submitted, and this will be presented to the council's Planning and Licensing

Committee for decision in due course. This planning application includes details of the applicant's proposed stewardship framework for Dunton Hills Garden Village (within a document that is called the "Community Management Statement"). The decision-making process will require consideration of this proposed framework, and if the application as a whole is considered to be acceptable by the Planning and Licensing Committee, planning officers would work to ensure that appropriate principles for Dunton Hills stewardship and an agreed process for its implementation will form an obligation within the associated Section 106 agreement. The developer would then be required to discharge the obligation as part of the development. This is likely to involve the submission of further detailed information about stewardship for the council's consideration.

4. The council will have several consecutive opportunities to consider details for long-term stewardship, which are driven by the development management planning process, and this report forms a first step to incorporate the involvement of members. The applicant (CEG) has presented a particular long-term stewardship solution for Dunton Hills Garden Village, but it is considered important to enable members' involvement in the related process of decision-making. As such, this process offers members an opportunity to become familiar with the wider context and in particular at the current stage, to receive an overview of appropriate options.

Key considerations

5. When determining the different options for long-term stewardship at Dunton Hills Garden Village, key considerations need to be made regarding the structure and governance of a body that will be responsible for long-term maintenance and management of community assets and public spaces. The following considerations should be made before decisions are made regarding long term stewardship:
 - a) Who will fund, own and maintain each asset, having itemised all assets;
 - b) Sources of funding;
 - c) Who the decision maker(s) on assets and future investment will be;
 - d) Commercial vehicle – how value will be created and extracted over the long term; and
 - e) Structure of the long-term stewardship vehicle.

6. Further advice provided by the Town and Country Planning Association (TCPA) regarding stewardship recommends the following issues are resolved and considerations made prior to implementation of any approach:
- a) Get the structure, specification and cost established as early as possible, as it's difficult retrofit.
 - b) Design spaces and facilities with long-term management and maintenance in mind, with the responsible body involved throughout the design process.
 - c) Up-front payment of endowment or other capital to be as large as possible to give flexibility for future circumstances, including recession, which will affect future income. Consideration of any potential future failure.
 - d) Skilled Trustees/ Board members, including financial management, legal and development skills.
 - e) Account for high set up costs of a new body and future running costs, including legal advice.
 - f) Set up one single body rather than multiple (learnings from Poundbury).
 - g) Build in flexibility for the type, range and size of facilities the body can maintain and manage given the needs of the community are likely to change.
 - h) Ensure the body can manage and maintain all spaces/ landscaping to provide transparency to the community.

Issue, Options and Analysis of Options

Case Studies

7. When considering the principles for long-term stewardship that should be brought forward for Dunton Hills Garden Village, the following case studies were examined.
- a) Chilmington Green, Ashford;
 - b) Milton Keynes Parks Trust;
 - c) Cambourne, Cambridgeshire;
 - d) Beaulieu, Chelmsford;
 - e) Barking Riverside; and

- f) Otterpool Garden Town, Kent.
8. These case study reviews are set out in Appendix A. This considers the scale of development, structure of body, decision making powers, commercial value and funding. Lessons learned from each of the bodies is also considered.

Key Principles for Dunton Hills Garden Village

9. Following interviews and research regarding long-term stewardship models for garden communities in the context of Dunton Hills Garden Village, four overarching high-level key principles have been prepared and are recommended to inform more detailed work on securing a final stewardship model in future (Appendix C). These are also set out below:
- i. Long-term stewardship of open space, public realm and community buildings will be the responsibility of a new body that is community led (such as a community trust).
 - ii. The responsible body will form part of an approach to land value capture for Dunton Hills Garden Village. Its income is likely to come from a range of sources including income generating assets, endowment and service charges.
 - iii. The Trust (or something similar) will be community-led (as distinct from a privately-run management company) through a community organisation with technical input from experts. It should also allow for future residents and businesses to shape the objectives and governance of the organisation, and to influence the design of new community facilities spaces.
 - iv. High quality management, maintenance and ongoing innovation at Dunton Hills Garden Village over the long-term is of fundamental importance when setting out the objectives of the community-led body.
10. The key principles, and the learnings from these various example projects, help guide which model the council may wish to consider. There is no single model within the case studies that can or should be replicated for Dunton Hills Garden Village given each model is specific to the circumstances of the garden community. Any of the models of stewardship that were researched may be appropriate for moulding to Dunton Hills, however one preferred approach that meets the key principles would include a mix approach of Chilmington Green and Otterpool Park. More specifically, the table at Appendix B illustrates how the stewardship model could be provided at Dunton Hills Garden Village.

11. If the key principles are approved more detailed aspects will be considered by officers, including those listed in Appendix B and in particular, detailed site-specific financial modelling and legal advice. This information will then inform further discussions with CEG as the master developer / land promoter for the majority of the site as part of the current process that was described in the introduction.

Next Steps

12. The following steps are would seek to implement a strategy for long-term stewardship at Dunton Hills Garden Village:
 - a) Agree general principles for long-term stewardship (without prejudice to the outcome of the current planning application), intended to be part of a Section 106 Legal Agreement;
 - b) Officers consider further relevant matters and details in discussion with all landowners/land promoters, Parish Council and members to get early agreement before the master developer would progress with commissioning of a fully worked up long term stewardship strategy, which would then be formally submitted for discharging a S106 Planning Obligation;
 - c) Implementation of long term stewardship Strategy, as per S106 Planning Obligation.

Reasons for Recommendation

13. Agreement of the key principles is an important step in progressing a bespoke stewardship body for Dunton Hills Garden Village. These will help measures to be embedded as part of the determination of the current planning application for the majority of the site (Ref. 21/01525/OUT) and aim to address local plan policy requirements (Policy R01 (II)). Long-term stewardship will only be successful if it is owned by the local community.

Consultation

14. There has been considerable public consultation undertaken as part of the Dunton Hills Garden Village project as plan-making and masterplanning stages have progressed. This has included discussion on long term stewardship, both in terms of case studies and local relevance as part of an award-winning co-design approach.

15. As specific details emerge on stewardship at Dunton Hills, it will be important to engage further with the established Community Forum for the project, which includes local groups and the parish council. Ultimately, long term stewardship will only be successful if it is owned by the local community. Therefore, it is key that engagement continues as the garden village is developed and is allowed to evolve within overarching objectives as the community settles.

References to Corporate Strategy

16. The delivery of Dunton Hills Garden Village cuts across all five of the council's priorities identified in the corporate strategy and is specifically set out as a key objective. Successful long term stewardship will form the backbone of a sustainable garden village community.

Implications

Financial Implications

Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources) and S151 Officer

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17. The Dunton Hills Garden Village project is supported by Homes England capacity funding and underpinned by the council's Planning Policy budget. The financial implications of long term stewardship are not clear at this stage. It is expected that once a stewardship model is agreed this will confirm implications. Further details such as related assets and funding options will be put forward for consideration by members.

Legal Implications

Name & Title: Steve Summers, Strategic Director and Monitoring Officer

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18. There are no immediate legal implications from the recommendation. As a model for stewardship is selected amongst the options there will be various legal implications to consider as part of setting up any body and associated entities, plus formal agreements between partners involved will be put forward for consideration by members.

Economic Implications

Name/Title: Phil Drane, Director of Place

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19. There are no direct economic implications. A successful garden village community will be underpinned by a community-led legacy, including

stewardship body, which will have indirect economic benefits for the local community and wider borough. Identification of a sustainable and viable stewardship model will ensure the new community can sustain itself through the effective management of local spaces and facilities.

Equality and Diversity Implications

Name/Title: Kim Anderson, Corporate Manager (Communities, Leisure & Health)

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20. The Public Sector Equality Duty applies to the council when it makes decisions. The duty requires us to have regard to the need to:
 - a. Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - b. Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - c. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
21. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for b. or c., although it is relevant for a.
22. The proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

None

Background Papers

- Item 356, Planning and Licensing Committee, 15 March 2022, Dunton Hills Garden Village Application Update (21/01525/OUT)
- Item 747, Policy Resources & Economic Development Committee, 17 March 2021, Dunton Hills Garden Village Design Guidance Supplementary Planning Document

- Planning Application (Ref. 21/01525/OUT) document “Community Management Statement” (August 2021), prepared by CEG

Appendices to this report:

- Appendix A: Garden Community Stewardship Case Study Research
- Appendix B: Initial Thoughts on a Stewardship Model for Dunton Hills Garden Village
- Appendix C: Key Principles for long-term stewardship at Dunton Hills Garden Village