

COUNCIL-LED GARDEN COMMUNITY UPDATE

Final Decision-Maker	Policy & Resources Committee
Lead Head of Service	William Cornall, Director of Regeneration & Place
Lead Officer and Report Author	William Cornall, Director of Regeneration & Place
Classification	Public
Wards affected	All, but in particular Harrietsham & Lenham and Headcorn Wards. Lenham Parish Council and Boughton Malherbe Parish Council are affected.

Executive Summary

The proposal was last considered by this Committee on 21st October 2020. The purpose of this report is to provide an update in respect of the progress made since then in pursuing a council-led garden community, near Lenham Heath (Heathlands). As in the case of previous reports to this Committee, the contents of this report relate to the Council's position as a potential property owner/developer and not as Local Planning Authority (LPA).

Purpose of Report

For information.

This report makes the following recommendations to this Committee:

1. To note the contents of this report.

Timetable

Meeting	Date
Policy and Resources Committee	25 November 2020

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1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<p>Impact on Corporate Priorities</p>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling • Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>Accepting the recommendations will materially improve the Council’s ability to achieve all the corporate priorities.</p>	<p>Director of Regeneration & Place</p>
<p>Cross Cutting Objectives</p>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendations support the achievement of all the cross cutting objectives.</p> <p>Through delivering much needed homes to include 40% affordable housing of which 70% would be for social or affordable rent. The emerging masterplan is landscape led with up to 50% of the total proposed as green space. Led by the ambitions set out in the Strategic Plan the Council can ensure that the design principles of development where it is the master planner reflect the commitment to reduce health inequalities amongst other things.</p>	<p>Director of Regeneration & Place</p>
<p>Risk Management</p>	<p>See section 5.</p>	<p>Director of Regeneration & Place</p>

Financial	Investment in the Garden Community forms part of the Council's five-year capital programme and budgetary provision exists for the expenditure described in the report and the plans outlined here.	Section 151 Officer & Finance Team
Staffing	We will deliver the recommendations with our current staffing.	Director of Regeneration & Place
Legal	There are no legal implications arising from this report as it is for information only.	Principal Solicitor - Commercial
Privacy and Data Protection	No impact identified	Policy and Information Team
Equalities	An Equalities Impact Assessment will be completed if the proposal forms part of the draft spatial strategy of the Local Plan Review.	Equalities and Corporate Policy
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
Crime and Disorder	The recommendation will not have a negative impact on Crime and Disorder.	Head of Service or Manager
Procurement	N/A.	Head of Service & Section 151 Officer
Biodiversity	The revised masterplan brief seeks a biodiversity net gain within the proposed redline.	Head of Policy Communications & Governance

2. INTRODUCTION AND BACKGROUND

2.1 The Council is pursuing this project as it is consistent with its Strategic Plan priority of "embracing growth and enabling infrastructure" and the desired outcomes within it:

- The Council leads master planning and invests in new places which are well designed.
- Key employment sites are delivered.
- Housing need is met including affordable housing.
- Sufficient infrastructure is planned to meet the demands of growth.

- 2.2 This report will provide an update on the progress made since the last report to this Committee on 21st October 2020 and addresses the following areas:
- Promotion of Heathlands through the Local Plan Review (LPR)
 - Homes England partnership update
 - Principal Landowners
 - Community engagement
- 2.3 **Promotion of Heathlands through the LPR.** The Strategic Planning & Infrastructure Committee on Monday 9th November 2020 made key decisions in respect of the next stage of the Maidstone Local Plan Review, in terms of its Preferred Spatial Strategy and Alternatives. Accordingly, the Heathlands proposal has been identified as one of two garden settlement proposals that will indeed feature in this to be taken forward to the next stage of consultation on the Local Plan Review.
- 2.4 Public consultation on the latest Local Plan Review proposals Preferred Approaches Document as well as concurrent consultation on the associated Sustainability Appraisal documents is due to begin before Christmas and run for 3 weeks and all those with an interest in any of the proposals in the Local Plan Review are encouraged to participate.
- 2.5 The LPA report indicates that Heathlands will yield 5,000 homes but would be acceptable at just 3,000 homes. It also indicates that Heathlands will deliver 1500 homes in the LPR period to 2037, with the remaining 3,500 homes to follow in subsequent Local Plans. I.e. this position has been informed by the Stantec reports and analysis which will now inform the evolution of the Heathlands proposal through ongoing dialogue with the LPA.
- 2.6 **Homes England (HE) Partnership update.** As previously reported, HE received on 7th October 2020, their Development Project Executive approval to undertake their own due diligence of the project to a value of £250k. The draft findings of this due diligence appear to be broadly positive and appear consistent with the conclusions reached and shared by MBC officers and indeed those reached by Stantec too. They expect to receive the final reports from their consultant team within the next fortnight.
- 2.7 HE will seek their final approval for their full £1.5m contribution for match funding with MBC (for the full £3m promotional costs) in February 2021, once they (together with MBC) have concluded the negotiations with the principal landowners. The intention is for contracts between MBC / HE and the principal landowners to be in place by March 2021.
- 2.8 Furthermore, HE has also provided MBC with some initial ideas as to the possible deal structures that could be utilised between the two organisations for the delivery phase (so post securing outline Planning consent). These will be explored by the Corporate Leadership Team imminently with recommendations to be brought to the Committee as soon as is practicable.

- 2.9 **Principal Landowners**. The five principal landowners and the additional landowners to the north of the railway line are fully briefed and are aware that commercial negotiations will need to recommence and proceed at pace following the November SPI decision, and the next meeting with their advisor has been scheduled. They are also aware that these negotiations will now include HE too.
- 2.10 As promoter of the Heathlands proposal the Council has always been clear that it was focussing its initial discussions on the principal landowners in the vicinity and that if the project does start to gain traction, it would then seek to expand these discussions to include the smaller landowners too.
- 2.11 Given the positive decision by SPI, this broader dialogue will now be opened in the coming weeks. Indeed, a group of smaller landowners wrote to the Council on 2nd November stating that they did not want their land to feature in the proposals, and the Council has instructed its solicitor to prepare an initial response to them. Regardless, the definition of the redline and masterplan for Heathlands remains an iterative process, and so there will be some scope to consider the wishes of different landowners and stakeholders, without compromising the overall proposal.
- 2.12 **Community Engagement**. A meeting was held with the SOHL representatives on 11th November with a view to discussing the matter of community engagement. However, it was requested (by SOHL) that the matter be set aside until the Council responds in respect of the smaller landholders as mentioned in the previous paragraph. Therefore, this dialogue will be put in place at the earliest opportunity and of course the SOHL group as well as the Parish Council will be consulted with by the LPA too in the coming weeks (Reg 18B).
- 2.13 **Summary**. Very good progress has been made since the last update report given the positive SPI decision that confirms the Heathlands proposal will feature in the next stage of the LPR.

3. AVAILABLE OPTIONS

- 3.1 The report is for noting.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 N/A.

5. RISK

5.1 When this proposal was presented to this Committee in September 2019, the likely risks were set out as follows:

- At risk consultancy expenditure.
- A period of uncertainty for the community affected.
- Possible negative perceptions of a broader role for the Council in the context of acting as master developer.
- Maintaining cohesion amongst the landowner group.

5.2 These risks have to some degree crystallised and largely remain. However, the level of cohesion amongst what is a now smaller landowner group, is now strong.

5.3 Further risks that have since been added and that remain are:

- Terms cannot be agreed with the landowners (principal and minority).
- Challenge from individuals or organisations that oppose the principle and/or the specific details of MBC's council-led garden community.
- The further due diligence being undertaken by HE could identify currently unforeseen areas of risk.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 Nothing further to report since July 2020.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 The next steps will be to:

- Advance the commercial negotiations with the five principal landowners and landowners north of the railway line.
- Make representations to the LPA at Regulation 18B consultation stage of the LPR.
- Engage with LPA to refine the Heathlands concept.
- Continue discussions with Homes England.
- Bring to the P&R Committee recommendations concerning the contractual/partnership agreement between MBC and Homes England

8. REPORT APPENDICES

None.

9. BACKGROUND PAPERS

None.