

CABINET

DATE OF MEETING: 7 NOVEMBER 2019

TITLE OF REPORT: GARDEN COMMUNITY PROGRAMME

Report of: Joint Chief Executive

Cabinet Member: Councillor Graham Cockarill, Place

I PURPOSE OF REPORT

- 1.1 This report provides background to the Garden Community Programme, which the Ministry of Housing, Communities and Local Government (MHCLG) recently announced Hart District Council would be part of.
- 1.2 The report also outlines the strategic approach, to take forward the garden community programme at a local level, based on
- key principles
 - a proposed governance structure and
 - a funding structure to enable the next steps.
- 1.3 This report does not seek to pre-determine the planning position with regard to a potential new settlement in Hart as a future growth option. However, it does seek to put in place potential governance arrangements for the opportunity of a new garden community to be explored at 'Shapley Heath' as part of the MHCLG Garden Community Programme.

2 OFFICER RECOMMENDATION

- 2.1 **Recommendation 1:** That Cabinet notes Hart District Council is now part of the Garden Communities Programme for a garden community with the working title 'Shapley Heath'.

Recommendation 2: That Cabinet approves the exploration of the opportunity to deliver a garden community through a place making/place shaping approach.

Recommendation 3: That Cabinet approves the place shaping/place making approach to exploring a Garden Community is based on the key principles set out by MHCLG, as identified in paragraph 4.5 but to also include reference to securing Land Value capture in accordance with the approached supported by Homes England in its September 2019 Garden Communities toolkit to ensure that an appropriate portion of the enhanced land value arising from the development is made available to fund the delivery of:

- infrastructure
- facilities
- legacy arrangements
- other measures needed to support development of a sustainable garden community.

with the opportunity to expand and refine these, in consultation with the public and key stakeholders as the project evolves.

Recommendation 4: That Cabinet approve the Governance approach as set out in Appendix 1.

Recommendation 5: That Cabinet grants delegated authority to the Garden Community Board to approve Terms of Reference for each of the governance tiers and to adapt the governance structure and membership as the project progresses.

Recommendation 6: That Cabinet approve in principle the Garden Community Funding Spend Plan as set out in Appendix 3, with delegated authority to the Joint Chief Executive, in consultation with the Portfolio Holder for Place, to amend the final version before submission to Homes England.

Recommendation 7: That Cabinet approve funding of £785,990, previously allocated for the new settlement in the budget for 2019/2020, be returned to reserves.

Recommendation 8: That Cabinet recommends to Council that a total budget of £500K be allocated to the Joint Chief Executive from a bespoke earmarked reserve to be utilised for the procurement of appropriate expertise and resources to help the Council make informed choices associated with the Garden Community and that any budget spend will be reported to and monitored by both Overview and Scrutiny Committee as well as Cabinet as part of the normal budget monitoring process.

3 BACKGROUND

- 3.1 There has long been recognition that there is a shortage of housing. Government targets to meet this challenge have varied but in November 2017, as part of the autumn budget statement, the Government committed to deliver 300,000 new homes per year, by the middle of the next decade. The Government has sought to use a range of different ‘levers’ to open up development, including steps to encourage and speed up the preparation and adoption of local plans, removing the Housing Revenue Account ‘cap’ on stock owning local authorities, to increase council house building, proposals to speed up the planning system and make better use of vacant buildings as well as increasing the size of the programme supporting Garden Communities.
- 3.2 In June 2018, a report to Cabinet confirmed that it was anticipated that the Hart Local Plan Strategy and Sites 2016-2032 (the Submission Plan) would be submitted for examination in week commencing 18th June. This Submission Plan included Policy SS3, which identified an area of search for a new settlement to help address longer term growth requirements of the district. In particular, this policy proposed a range of high level principles including that any new settlement proposal should be:
- a) *Of a scale to support long term development needs beyond 2032 and the provision of key infrastructure and community facilities including a secondary school;*
 - b) *The potential to deliver new homes from the middle of the plan period;*

- c) *Comprehensively planned in consultation with existing communities and key stakeholders;*
- d) *Delivery of a sustainable, inclusive and cohesive community promoting self-sufficiency and with high levels of connectivity, minimising separation of communities by existing barriers;*
- e) *Deliver innovative and forward-thinking solutions and technology to design, transport issues, telecommunications and measures to mitigate and adapt to climate change;*
- f) *Provision of a mix of housing in accordance with relevant policies in the local plan and most up to date evidence at the time for affordable housing, specialist provision for the elderly and self-build;*
- g) *Inclusion of measures to avoid and mitigate any adverse impact of the development upon the Thames Basin Heaths Special Protection Area;*
- h) *Promote health and wellbeing and self-containment by providing the necessary supporting infrastructure including green infrastructure, community facilities, employment, education, retail and health care services;*
- i) *Providing the most appropriate location within the area of search for key infrastructure, particularly the new secondary school, having regard to maximising ease of accessibility and to catchments;*
- j) *A layout and form of development that avoids coalescence with existing settlements and does not undermine their Hart Local Plan Strategy and Sites 2016-2032 separate identity; respects the landscape character and conserves and where possible enhances the character, significance and setting of heritage assets;*
- k) *Provide measures to avoid, mitigate or offset direct and indirect biodiversity impacts across the site, including opportunities for net gains in biodiversity where possible;*
- l) *Supported by a transport assessment and strategy, together with an infrastructure delivery plan that ensures the necessary supporting infrastructure is delivered in a timely fashion and promotes sustainable transport modes;*
- m) *Measures to fully address flood risk and drainage issues.*

3.3 In September 2018, as part of the government’s drive to increase house building, MHCLG announced a new opportunity to join the Garden Communities Programme, for “ambitious, locally supported proposals for new garden communities at scale.”

3.4 In late September, at Full Council, the Portfolio Holder announced that the Council was in the process of putting a bid for the government’s garden community programme. A report outlining the anticipated governance arrangements were considered at Overview and Scrutiny Committee in October and Cabinet in November. The Garden Community bid was submitted on 8th November 2018 and included the governance arrangements as approved by Cabinet. In accordance with draft policy SS3, it was anticipated that in the event of a successful bid a proposal would be worked up to deliver a new Garden Village, even though the Local Plan made adequate provision to meet the housing needs forecast to arise during the plan-period.

3.5 In March 2019, following the Local Plan Examination in Public, Cabinet considered and approved modifications to the Local Plan, based on the Cabinet report which summarised the Local Plan Inspector’s letter, specifically:

- The Council could seek to rely on the delivery of the proposed new settlement to boost the supply of housing but a significant amount of additional work would be required to make the Council's approach sound.
- As Policy SS3 is not required for the Plan to be sound, (because it allocates enough land to meet the objectively assessed need for housing during the plan-period), the Inspector considers the most appropriate course of action at this time would be to remove it and any supporting text (along with any other subsequent changes required) from the Plan.
- It would not be unsound for the Plan to retain the Council's aspirations to plan for long-term needs beyond the Plan period, which could include the delivery of a new settlement. But, the Plan should clearly state that this, as a growth option, would need to be fully considered and evidenced in a future (potentially early or immediate) review of the Plan or a subsequent Development Planning Document (DPD).

The Inspector's letter therefore acknowledged that the Council could advance a new settlement as a future growth option, but that it would need to be fully considered and evidenced in a future (potentially early) review of the Plan or a subsequent Development Planning Document (DPD).

- 3.6 In May 2019, the Council advised Homes England (who administer the Garden Communities Programme on behalf of MHCLG) of the proposal to delete policy SS3.
- 3.7 Nevertheless, in late June 2019, MHCLG announced that the Council had been successful in being selected to join the Garden Communities Programme, and provided £150,000 of capacity funding to support the Council in 2019/2020.
- 3.8 Eighteen other locations were also selected to join the Garden Communities Programme. The planning policy position of each of the other successful Local Authorities Garden Communities varies, but including Hart District Council, fifteen of the nineteen Garden Communities selected do not have site allocations within an adopted Local Plan. The approach to exploring the option of delivering a Garden Community as set out in this report is not therefore exceptional.

4 CONSIDERATION

- 4.1 The Council is now part of the Garden Communities Programme. Acceptance on to the Garden Communities Programme commits the Council to *explore the opportunity* to create a new Garden Community; it does not **commit** the Council to deliver a Garden Community.
- 4.2 As set out by the Portfolio Holder at Full Council in July, the selection of the Council to join the Garden Communities Programme is not conditional upon the Garden Community being advanced as a policy or proposal in the emerging local plan, or for alternatives to have been considered through the plan making process; it has been awarded on its own merits under the Garden Communities Programme. The proposal has a legitimate life of its own which at this stage lies outside of the Local Plan until such time as the Council itself decides if it is a suitable long-term growth option. It will then need to be fully considered and evidenced in a future (potentially early) review of the Plan or a subsequent Development Planning Document (DPD).

Recommendation 1: That Cabinet notes Hart District Council is now part of the Garden Communities Programme for a garden community with the working title ‘Shapley Heath’

- 4.3 There is no impediment to the Council in exploring the future option to deliver a new Garden Community. The planning position is forever evolving and to be effective Local Plans need to be kept up-to-date. In this instance the emerging Local Plan has been examined under the earlier 2012 National Planning Policy Framework (2012 NPPF) and its evidence base is now dated. The 2018 National Planning Policy Framework (2018 NPPF) states policies in local plans and spatial development strategies, should be reviewed to assess whether they need updating at least once every 5 years, and should then be updated as necessary. There will also inevitably be occasions where there are significant changes in circumstances that may mean it is necessary to review the relevant strategic policies earlier than the statutory minimum of 5 years, for example, where new cross-boundary matters arise. In this case, there is already in the emerging Local Plan an acknowledged shortfall from Surrey Heath in local housing provision - the precise scale of which has not yet been fully defined but it will inevitably have much wider implications across the totality of the Hart/Rushmoor/Surrey Heath Housing Market Area. Local housing need will also be considered to have changed significantly, where a plan has been adopted prior to the standard method being implemented, on the basis of a number that is significantly below the number generated using the standard method. Therefore, it is inevitable that the Council needs to commence work on an early review of potential future growth options and the Government’s inclusion of the Shapely Heath opportunity as part of the Garden Community Programme simply highlights that point.
- 4.4 In addition, the Council has the power to explore the potential Garden Community opportunity under legislative powers called the General Power of Competence (GPC). The GPC was introduced by the Localism Act 2011. In simple terms, it gives councils the power to do anything an individual can do provided it is not prohibited from acting in a certain way by other legislation.
- 4.5 The Council therefore, has great opportunities for flexibility and creativity in working alongside local communities and stakeholders concentrating on a wide-ranging innovative place making/shaping agenda to test the Garden Community opportunity as a possible future growth option. The outcome could then be more fully considered and evidenced in a future (potentially early or immediate) review of the Local Plan or a subsequent Development Planning Document (DPD). That is a conventional way to proceed.

Recommendation 2: That Cabinet approves the exploration of the opportunity to deliver a Garden Community through a place making/place shaping approach with broad public consultation.

- 4.5 The Council should ensure that any future development or Garden Community comprises a cohesive, vibrant, and attractive community. To develop a place making/place shaping approach as identified above, it is important to share with local communities and partners a framework of principles. Whilst not seeking to impose a

particular set of development principles, MHCLG are clear that they would support the development of Garden Communities that embed the key qualities below:

- a. **Clear identity** – a distinctive local identity as a new garden community, including at its heart an attractive and functioning centre and public realm.
- b. **Sustainable scale** – built at a scale which supports the necessary infrastructure to allow the community to function self-sufficiently on a day to day basis, with the capacity for future growth to meet the evolving housing and economic needs of the local area.
- c. **Well-designed places** – with vibrant mixed use communities that support a range of local employment types and premises, retail opportunities, recreational and community facilities.
- d. **Great homes** – offer a wide range of high quality, distinctive homes. This includes affordable housing and a mix of tenures for all stages of life.
- e. **Strong local vision and engagement** – designed and executed with the engagement and involvement of the existing local community, and future residents and businesses. This should include consideration of how the natural and historic environment of the local area is reflected and respected.
- f. **Transport** –integrated, forward looking and accessible transport options that support economic prosperity and wellbeing for residents. This should include promotion of public transport, walking, and cycling so that settlements are easy to navigate, and facilitate simple and sustainable access to jobs, education, and services.
- g. **Healthy places** – designed to provide the choices and chances for all to live a healthy life, through taking a whole systems approach to key local health & wellbeing priorities and strategies.
- h. **Green space** – generous, accessible, and good quality green and blue infrastructure that promotes health, wellbeing, and quality of life, and considers opportunities to deliver environmental gains such as biodiversity net gain and enhancements to natural capital.
- i. **Legacy and stewardship arrangements** – should be in place for the care of community assets, infrastructure and public realm, for the benefit of the whole community.
- j. **Future proofed** – designed to be resilient places that allow for changing demographics, future growth, and the impacts of climate change including flood risk and water availability, with durable landscape and building design planned for generations to come. This should include anticipation of the opportunities presented by technological change such as driverless cars and renewable energy measures.

- 4.6 The principles set out by MHCLG would appear to be comprehensive and inclusive and a useful starting point for our work with communities and partners.

Recommendation 3: That Cabinet agrees to progress the place making/place shaping the Shapley Heath Garden Community opportunity based on the key principles set out MHCLG, with the opportunity to expand and refine these, in consultation with the public and key stakeholders as the project evolves, subject to approval by Cabinet [Officer Note – Please also see paragraph 8.5 below].

5 GARDEN COMMUNITY GOVERNANCE

- 5.1 The governance arrangements need to provide everyone interested in the Garden Community with a clear understanding of how they can take part in the project and how their views will shape the broader picture. To do this there is a need to establish a clear and accountable structure of how information will be gathered and will flow through the project and how decisions will be made.
- 5.2 The proposed arrangements include the creation of a **Garden Community Board** (the Board), which will champion and steer the Garden Community project. It is suggested that feeding into the Board could be a;
- **Community Forum**, where residents, organisations and groups would be actively engaged at each stage of the process; and
 - **Landowners Forum**, considering issues and concerns collaboratively between the various land owning organisations and individuals.
- 5.3 A potential Garden Community Governance approach is outlined in Appendix I. It is likely, as the project progresses through its various stages, there may be a need to involve different people, groups and organisations and as the groups develop, make changes to terms of reference.
- 5.4 The creation of a Garden Community would ultimately require a grant of planning permission. It may also require or be assisted by the preparation of a Development Plan Document. The appropriate approach to those and matters will be determined as the project evolves through the governance frame.

Recommendation 4: That Cabinet approve the Governance Structure as set out in Appendix I

Recommendation 5: That Cabinet grants delegated authority to the Garden Community Board to approve Terms of Reference for each of the governance tiers and to adapt the governance structure and membership as the project progresses.

- 5.5 The inclusion of the Council in the Garden Communities programme was made by MHCLG on the basis that a community would be created in a particular location, which is indicated for illustrative purposes only on the plan attached to this report. In the circumstances, it is not intended that the Council should canvass alternative locations for a Garden Community. Nevertheless any decision on the inclusion of Shapley Heath, or any other new settlement option, in a future review of the emerging Local Plan will be for the Council to determine, if it considers it is appropriate to do so, taking into account all relevant considerations and acting reasonably at that point.

6 COMMUNITY ENGAGEMENT

- 6.1 Key to success will be effective community engagement. It is anticipated that from the very beginning a significant level of effort and innovation will be required. This should be set out in an overarching framework that:

- Creates a vision of what makes a community great and how people may live and work in the new Shapley Heath community of the future
- Establishes a vision of identity, distinctiveness and sense of place
- Designs a vision of how health can be built into the sense of place
- Frames a vision for long term stewardship and legacy
- Builds a vision for how a new community could incorporate innovation in responding to the climate change challenge

These are bold visions of place making and shaping and should underpin and frame the conversation within the project on what could make a successful community and how it can be driven forwards.

- 6.2 Inevitably, from right across the District there will be a high level of public interest in this project. If a Garden Community of around 5,000 homes is created, it will have a significant impact not only on the local area, but also across the District as a whole, with changes in the population demographics. A range of questions around process and decision-making have already been raised and initial responses have been provided in Appendix 3. Understandably, the questions are likely to change over the period of the project and therefore there will be an ongoing need to ensure that information is updated throughout the project life span.

7 GARDEN COMMUNITY RESOURCING

- 7.1 To ensure that the Council can lead and bring together the community, landowners and key partners to drive this project forward, it is essential that sufficient resources are made available to make this work effectively. A project team needs therefore, to be put in place which has the appropriate skill sets and authority alongside resources to secure support and evidence, to make effective decisions.
- 7.2 As part of the Garden Community announcement MHCLG has provided £150,000 to pump prime the project, which represents useful seed funding. Homes England have asked for a plan for the anticipated spend of this funding and subject to its approval have advised that any of this funding which remains unspent at the end of this financial year, can be accrued and used in 2020/2021. Future funding from MHCLG thereafter will be on a competitive basis. It will be dependent upon demonstrating progress and ambition to deliver the project.
- 7.3 Acknowledging that this work represent a new approach, requiring additional capacity as well as new skill sets, an indicative spend plan for the current Garden Community Funding is suggested at Appendix 3.

Recommendation 6: That Cabinet approve, in principle, the proposed Garden Community Funding Spend Plan as set out in Appendix 3, with delegated authority to the Joint Chief Executive in consultation with the Portfolio Holder for Place to amend the final version before submission to Homes England.

- 7.4 Whilst a useful starter, the funding from MHCLG will not however, deliver the project as a whole and further funding will be required. In November 2018, Cabinet considered the likely financial resources needed to fund a new settlement (under a Development Planning Document approach) which was then approved as part of the

Council's budgeting process, by Full Council in February 2019. A total of £785,990 was set aside. As this funding was predicated on an alternative approach, which is now no longer being carried forward, it would be appropriate to return this funding to reserves.

Recommendation 7: That Cabinet approve funding of £785,990, allocated for the new settlement in the budget for 2019/2020, is returned to reserves

- 7.5 There are a range of funding streams or alternatives to help fund and resource the project, these may include
- Competitive bidding processes for
 - future funds from the Garden Communities Programme
 - other funds such as the Community Housing Fund, or any other Government funding which may become available from time to time
 - Local Enterprise Partnership funding, such as the funding recently received for the Council' Green Grid
 - Entering into a Memorandum of Understanding with the developers and/or promoters of the site to fund specific areas of work e.g.
 - Requesting the respective Developers/Promoters commission and supply external technical reports on specific topics, based on project briefs written by the Council; and/or
 - Developers/Promoters funding the Council itself to procure external technical reports on specific topics,
 - Working collaboratively with developers/promoters on the design and delivery of project specific work such as a Garden Community website, which the Council could maintain and update.
- 7.6 The scale of the project is large and long term, with different technical and soft skills being required over its lifetime. Ensuring that the Council retains capacity for the host of roles that it will require, will necessitate a level of funding – relying on competitive processes is naturally higher risk. With this and the potential variability of funding streams in mind, it is proposed that that the Council provides resources (from reserves) to support the Garden Community.
- 7.7 Such funding could take the form of a fund, allocated to the Joint Chief Executives, to enable decisions to be taken to ensure the appropriate level of resource and expertise is available to the Council, to make informed choices. This should result in an agile and professional approach to the Garden Community, delivering timely and appropriate support to the project. Having already received some funding and in the anticipation of bidding for more, a fund of £500K is recommended. This funding is not allocated to a specific year, rather to the long-term length of this project, over three years. To ensure visibility of budget spend, this would be reported to and monitored by, both Overview and Scrutiny and Cabinet.

Recommendation 8: That Cabinet recommends to Council that a total budget of £500K be allocated to the Joint Chief Executive from a bespoke earmarked reserve to be utilised for the procurement of appropriate expertise and resources to help the Council make informed choices

associated with the Garden Community and that any budget spend will be reported to and monitored by both Overview and Scrutiny Committee as well as Cabinet as part of the normal budget monitoring process.

- 7.8 This funding is entirely separate for any future funding that the Council may consider allocating for any review of the emerging local Plan.

8 CONSIDERATION BY OVERVIEW AND SCRUTINY COMMITTEE

- 8.1 Overview and Scrutiny Committee considered this paper and its recommendations on the 18th September. There was a range of public participation and a wide-ranging debate. The Committee agreed the following recommendation to Cabinet (please note changes to the original recommendations are underlined for clarity):
1. That Cabinet notes Hart District Council is now part of the Garden Communities Programme for a garden community with the working title 'Shapley Heath'.
 2. That Cabinet approves the exploration of the opportunity to deliver a garden community through a place making/place shaping approach.
 3. That Cabinet approves the place shaping/place making approach to exploring a Garden Community is based on the key principles, set out by MHCLG, as identified in paragraph 4.5, with the addition of a principle around land value capture and with the opportunity to expand and refine these, in consultation with the public and key stakeholders as the project moves forward, subject to approval by Cabinet.
 4. That Cabinet approve the Governance approach as set out in Appendix I subject to amendment by the Joint Chief Executive in consultation with Cllr Farmer.
 5. That Cabinet grants delegated authority to the Garden Community Board to approve Terms of Reference for each of the governance tiers, and to adapt the governance structure and membership for the initial phase of the project.
 6. That Cabinet approve in principle the Garden Community Funding Spend Plan as set out in Appendix 3, with delegated authority to the Joint Chief Executive, in consultation with the Portfolio Holder, to amend the final version before submission to Homes England.
 7. That Cabinet approve funding of £785,990 previously allocated for the new settlement in the budget for 2019/2020, is returned to reserves.
 8. That Overview and Scrutiny notes that a budget up to £500K may be required to be allocated to the Garden Community as part of the budget for 2020/2021.

A copy of the draft 18th September 2019 Overview & Scrutiny Committee minutes are attached at Appendix 4. At its meeting on the 15th October 2019 the Committee discussed the accuracy of the minutes are resolved to correct the draft minutes to read: "**Minute 59** - It was agreed that Recommendation 8 on page O&S.23 did not reflect the wording of the Recommendation 8 to Cabinet on page O&S.24. The wording as of page O&S.24 was that agreed at the meeting. It was therefore agreed that the wording on page O&S.23 should be changed to read '... funding may be required.'"

- 8.2 One of the key issues for Cabinet to consider is the recommendation by Overview & Scrutiny Committee that in Recommendation 3 reference should be made to **“including Land Value capture”** within the key principles as identified in paragraph 4.5 above.

Land value capture and funding delivery

Land value capture is process of capturing some of the increase in land value, which comes from policy decisions, the granting of planning permission by local authorities, or because of new or improved, publicly funded infrastructure projects. However, whilst it is an approach advocated by a respected pressure Group (the Town and Country Planning Association) it does not reflect Government policy and there is no legislation in place to secure it.

At the outset, it must be recognised that as a principle, securing 40% affordable housing represents in itself a significant land value capture through delivery of land at nil value. Homes England¹ has published recent advice on this point (September 2019 - <https://www.gov.uk/guidance/garden-communities/land-value-capture-and-funding-delivery> in the context of delivering new garden communities.

“Capturing land value uplift of a garden community

This involves making sure an appropriate portion of the enhanced land value arising from the development is made available to fund the delivery of:

- *infrastructure*
- *facilities*
- *legacy arrangements*
- *other measures needed to support development of a sustainable garden community*

Funding and delivery

When considering the funding and delivery of garden communities you should think about the following.

- *identify upfront what infrastructure, facilities, design quality and legacy provisions are needed, and ensure there’s a good evidence base justifying them*
- *develop a clear planning policy for your garden community. Set out what infrastructure, services, stewardship, and other attributes will need to be delivered*
- *build consensus around the role of land value capture in delivering the vision for the garden community*
- *ensure the right skills and experience are available to help the parties with the legal and financial issues and negotiations*
- *establish collaborative working relationships with the main landowners and promoters agree how land value uplift will be harnessed and used to fund costs. Enshrine consensus on this in a memorandum of understanding, collaboration or other agreement*
- *assess the viability of the project and investment needed to deliver your garden community(both upfront and at later stages) to help Also determine what extent of land value capture is feasible*
- *think about the role the public sector can play if parties are unable to agree an appropriate approach to land value capture. Like using a proactive approach to land assembly or public investment in infrastructure delivery*

¹ **Homes England** is the non-departmental public body set up by the Government to manage on its behalf the delivery of new homes in England.

Delivering the outcomes of land value capture

While the purpose of developer contributions is not land value capture, these mechanisms can be used to secure infrastructure and other works and provisions that are funded from the uplift in land value which comes from the grant of planning permission.

Planning agreements such as Section 106

These can be used to capture the works, provisions and contributions required from developers to mitigate the impact of the development.

Make sure the Section 106 agreement has appropriate review mechanisms over the course of delivery that reflect changes in viability and delivery of the garden community.

Framework approaches

Where there are multiple landowners or developers involved, a framework approach S106 is a useful mechanism to attribute the delivery of specific items of infrastructure to specific development phases.

Community Infrastructure Levy (CIL)

This is a planning charge to help deliver infrastructure within a local authority. Given its complexity, potential for infrastructure provision needed up front and long timeframe for delivery, CIL may not always be feasible or appropriate for a garden community development.

Further information on [CIL can be found on the GOV.UK website](#)

Partnership approaches

These are successful when a landowner or promoter has a long-term interest a garden community, and is willing to accept returns over a longer than typical timescale.

Partnership approaches also have benefit when the local authority is willing to invest in delivery of the garden community to facilitate its development.

Approaches include:

- **development agreement** – a negotiated legal agreement that sets an agreed sum that will be paid to the local authority at a later stage in return for upfront infrastructure investment. It enables early delivery of infrastructure and an appropriate return which can be reinvested by the local authority
- **joint venture** – typically between the landowner and local authority, whereby investment in infrastructure is treated as an equity stake in a garden community, and the partners shares in the risk and reward associated with development
- **informal partnership** – effective where there's a strong partnership between the local authority and landowner/developer. It can be underpinned by a memorandum of understanding to set out respective responsibilities to ensure delivery of the project

Public land acquisition

The public sector can explore the potential for a proactive approach to land assembly at an early stage. This may create opportunities for land value capture.

Other funding sources

Garden community developments should be largely self-financing, but there may be some circumstances where additional funding is required either to:

- fund specific infrastructure which is critical to a garden community or has wider strategic impact, but is beyond what is viable for the development

- provide enhanced benefits to a garden community
- Funding gaps should be identified early in the process as part of viability testing and addressed by the main partners.

Some current funding sources

Department for Transport grants, including [Innovation grants](#) for [electric vehicle charging infrastructure](#)

- central government [Housing Funding Programmes](#) on GOV.UK website
- charitable Institutions such as the [Wolfson Foundation](#)
- Homes England [Home Building Fund](#) on GOV.UK website
- Local Enterprise Partnerships through the [Local Growth Fund](#) on GOV.UK website”

- 8.3 Having regard to the very valid point raised by Overview & Scrutiny Committee reference to securing land value capture should be included with the key principles identified in paragraph 4.5 above. The approach is supported by Homes England in its September 2019 Garden Communities toolkit to ensure that an appropriate portion of the enhanced land value arising from the development is made available to fund the delivery of:
- infrastructure
 - facilities
 - legacy arrangements
 - other measures needed to support development of a sustainable garden community.
- 8.4 Turning to Overview and Scrutiny’s suggested amendment of the terms of reference, these have been updated and a suggested new wording can now be found in Appendix I.
- 8.5 This leads on to Overview and Scrutiny’s suggestion that the terms of reference make clear that they apply to the ‘initial phase of the project’; the wording has now been amended to state:

“The Garden Community Board (the Board) will have overall responsibility for steering the delivery of the Garden Community project; the project is, in its early stages, to establish a vision for a Garden Community and evidence whether such a vision is viable.”

This allows for the terms of reference to be amended, when the works identified in these early stages have been completed.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 No equality issues are identified for this report at this stage. An early scoping of stakeholders will need to consider the engagement of representatives from protected groups that the project has the potential to impact upon.

10 ACTION

10.1 Subject to Cabinet approval, next steps will be to:

- Create and build capacity within the Garden Community Team
- Establish the governance structure and plan in meetings
- Procure a range of different services to start work on community consultation, viability etc.

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Appendices:

Appendix I: Shapley Heath Garden Community - Being Part of the Project

Background Papers:

MCLG Garden Communities programme

Hart Bid (November 2018) supported by Lightwood Land and Gallaghers/Barratt Homes to be part of the MCLG Garden Communities Programme

Proposed Shapely Heath Garden Communities Vision Document (November 2018)

MCLG Letter June 2019 confirming Shapley Heath to be part of the Garden Communities Programme

Appendix I

SHAPLEY HEATH*

GARDEN COMMUNITY

BEING PART OF THE PROJECT



BUILDING A COMMUNITY APPROACH

Hart District Council (“the Council”) recognises the local and national significance of a Garden Community at Shapley Heath. Shapley Heath is the working title on a site at the very heart of the district.

The Council wants to ensure:

- The best possible communication between the community and all the organisations in the locality that may have a role to play in this project or be affected by it.
- Accurate information is available and any concerns can be raised and solutions discussed.

Key considerations:

As well as the Council’s interest in representing local people and as a custodian of the economic, environmental and social well-being of the District, it is also the local planning authority.

As the decision-maker for applications for the development of the garden Community, the Council must ensure that applications are considered in accordance with statutory requirements and its own rigorous ethical standards.

Therefore, the governance arrangements set out in this document, for investigating the vision and then exploring the opportunity for a Garden Community is not and cannot be part of any decision making process on matters associated with the Councils role as a Local Planning Authority.

The formal arrangements in this document are necessary to demonstrate a separation in the roles the Council performs.

A Garden Community Board will be established to ensure the involvement of local communities and other stakeholders in evaluating the opportunity for a garden Community in accordance with the principles that have been adopted by Hart District Council

THE GARDEN COMMUNITY BOARD

The Garden Community Board will lead the Garden Community Project. Reporting to the Cabinet at the Council, it will

- Bring together the evidence, expertise and views of all work streams to provide a holistic view of the Garden Community and the opportunities
- Consider the strategic, sub-regional and regional impacts
- Identify and broker support from Government Departments
- Oversee all work streams, providing guidance, support and find solutions where obstacles occur
- Recognise the size and complexity of the project and seek to develop a project plan to evaluate the opportunity with clearly defined milestones and outcomes

Membership of the Garden Community Board will include

- Cabinet Member for Place (Chair) - HDC
- Cabinet Member for Housing - HDC
- Group Leaders - HDC
- Joint Chief Executive (project sponsor) - HDC
- Project Manager - HDC
- Strategic Lead for Hampshire County Council - HCC
- A Ward Councillor representing
 - Winchfield/Hartley Wintney
 - Hook
- M3 Local Enterprise Partnership representative
- Highways England/Network Rail representatives
- Homes England representative
- 2 representatives from the Landowner Forum
- 2 representatives from the Community Forum
- Chairman of Overview and Scrutiny Committee

THE COMMUNITY FORUM

The Community Forum will champion community and organisational engagement during the phase that will investigate the vision and then explore the opportunity of a Garden Community. Reporting to the Garden Community Board, it will be a key driver in the creation of the vision that our communities can engage in and in particular

- Creating a vision of what makes a community great and how people may live and work in communities of the future
- Establishing a vision of identity, distinctiveness and place
- Design a vision of how health can be built into the place
- Frame a vision for long term stewardship and legacy
- Building a vision for how a new community could build in innovation in responding to climate change

As part of this, the Community forum will ensure engagement with the key community stakeholders, including business sector, public sector and third sector organisations.

It will oversee community wide engagement, ensuring innovative approaches reach unheard voices and as such, will offer local insight to the Garden Community Board.

Membership of the Community Forum will include

- Community representatives
- Parish Council representatives
- Business sector representatives
- Third sector (voluntary sector) representatives
- Public sector representatives (e.g. health, education)
- Support from the Councils Garden Community team
- Housing association representatives

THE LAND OWNERS' FORUM

The Land Owners' Forum will provide a sounding board for those with significant land ownership within the area of the proposed Garden Community, whether seeking to take part in the project or not, as any future community will have broader impacts.

They too will look at the future vision for a Garden Community and how a characterful and distinctive community could be achieved that meets the guiding principles of the project.

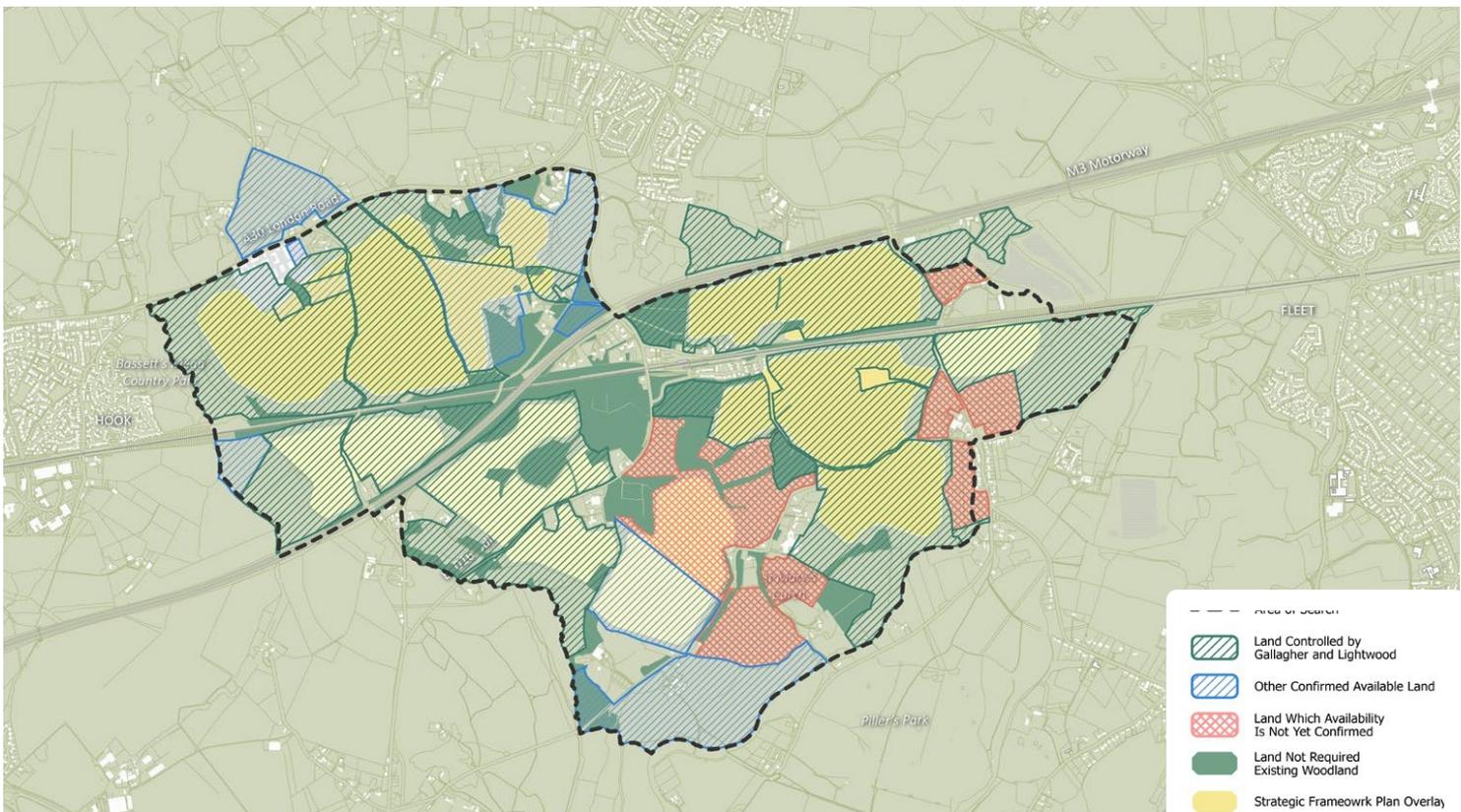
It will also be a forum for raising concerns and finding solutions and ensuring an effective exchange of views and information.

Membership will include

Representatives of Lightwood

Representatives of Gallagher Estates

Any other significant land owner within, or adjacent to the area outlined below



THE DEDICATED GARDEN COMMUNITY TEAM

A small but dedicated team of professionals will be on hand to support the project, from inception to closure will be known as the Garden Community Team.

Recognising the size of the ambition and the district wide opportunity, the team will be led by the Joint Chief Executive ably assisted by a small team of committed professionals.

The team's role will evolve as the project develops but will include a range of tasks such as

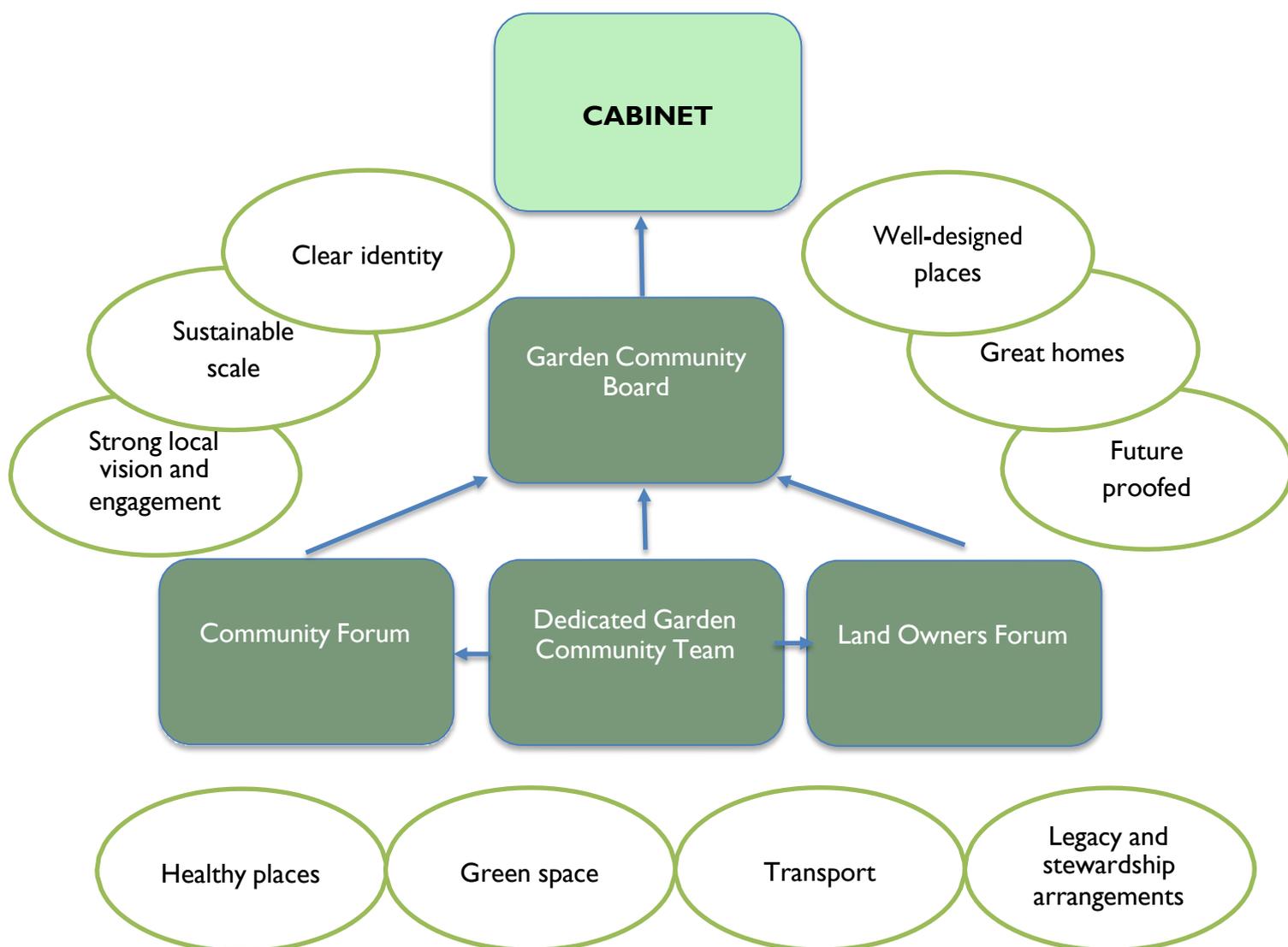
- Managing and controlling progress against the project plan, including key tasks and milestones.
- Identifying risks, benefits, and issues and reporting these to the Garden Community Board, Community Forum or Land Owners Forum as appropriate
- Tracking and supporting all work streams, seeking technical research to enable evidence based decision making
- Analysing feedback from broad community engagement and providing this to all groups for consideration on next steps.
- Liaison, coordination and management of all groups and forums.
- Making decisions (within delegated authority).
- Monitoring and reporting spend against budgets, identifying and applying for funding opportunities
- Appointing organisations to deliver outcomes e.g. consultants, advisors, developers.

HOW THE BIGGER PICTURE IS CREATED

Flow of knowledge, expertise and evidence and realistic timescales is fundamental to a successful project.

To achieve this, we need a transparent and accountable structure which people can understand. Visually this can be represented below.

The terms of reference for each group will evolve however, the land owners' forum, community forum and the dedicated Garden Community team will all report to the Garden Community Board. This strategic Board, is accountable to Cabinet who they will regularly report to.



THE DETAILS

Each Forum will seek to develop its own role, as the project progresses. However, below are the proposed Garden Community Terms of reference upon which its inception will be based.

Garden Community Board – Terms of Reference

Purpose of the Garden Community Board

1. The Garden Community Board (the Board) will have overall responsibility for steering the delivery of the Garden Community project; the project is, in its early stages, to establish a vision for a Garden Community and evidence whether such a vision is viable. In due course, the overarching description of the project will be further defined through an agreed Vision and set of place shaping outputs.
2. The Board will be accountable for the success of the project in meeting its objectives and programme.
3. The Board will lead the Garden Community project and will be a key forum to manage overall engagement, issues resolution and progress of the viability of the project.

Core Functions

4. To lead the Garden Community project against the Garden Community principles and report to Hart District Council Cabinet (and other respective corporate bodies as appropriate) and elected members to ensure corporate support and buy-in.
5. To facilitate and promote joined-up delivery of the project and to engage with and secure support at a strategic level from key stakeholders and partners.

6. To set the overall direction of the project/programme, its objectives and priorities; to monitor overall progress; and to review and update the objectives and priorities at least annually.
7. To monitor and ensure implementation of the project engagement and consultation strategy.
8. To ensure that appropriate resources are in place to deliver against the agreed project plan and programme and to coordinate the public-sector contribution to the delivery of key elements of the project in its earlier stages, including the use of available Garden Community capacity funding secured from MHCLG.
9. To make decisions on strategic issues and seek to resolve any 'showstoppers'
10. To provide a coordinated position/response to consultations and policy announcements that impact or effect the delivery of the Garden Community project and to co-ordinate and ensure 'upwards' high level liaison into existing and/or emerging sub-regional forums.

Membership of the Board

11. Membership will extend to the following:

- Cabinet Member for Place (Chair) - HDC
- Cabinet Member for Housing - HDC
- Group Leaders - HDC
- Joint Chief Executive (project sponsor) - HDC
- Project Manager - HDC
- Strategic Lead for Hampshire County Council - HCC
- A Ward Councillor representing
 - Winchfield/Hartley Wintney
 - Hook
- M3 Local Enterprise Partnership representative
- Highways England/Network Rail representatives
- Homes England representative
- 2 representatives from the Landowner Forum
- 2 representatives from the Community Forum
- Chairman of Overview and Scrutiny Committee

Roles and Responsibilities of Members

12. Board members should be able to:
- Implement the Core Functions of the Board;
 - Have the responsibility to represent their organisation and to feedback information to other relevant individuals and parties within that organisation;
 - Make recommendations on the prioritisation of activities, projects and resources;
 - Make every effort to prioritise attendance at scheduled meetings but to ensure that a suitably senior substitute is nominated from the same organisation.

Chairmanship

13. The Chair will be provided by HDC. In the absence of the appointed Chair at any meeting, the Board may elect a Vice-Chair who will preside at that meeting.

Meetings

14. A minimum of 1 meeting per quarter will be held throughout the year, with additional meetings able to be scheduled if required.

15. The Quorum for any meeting will be 5 members of the Board provided that they each represent a different organisation (or bullet point clause 11 above). All decisions made shall be reported to the next meeting of the Board.
16. The agenda for each meeting will be prepared by the Garden Community Team and circulated to all Board members at least 5 working days in advance of the meeting. Draft minutes of the meeting will be circulated within 2 weeks of the meeting, with formal approval taking place at the next subsequent meeting.

Decision making and reporting lines

17. Whilst the Board has overall responsibility for overseeing the Garden Community project, it has no statutory decision making powers. Formal decision making (for example on planning applications; statutory plan making; funding allocations) will continue to take place through the existing decision making routes and structures of the organisations represented on the Board but with the added benefit of clear reporting and recommendations from the Board.
18. Board Members will be empowered to make activity and operational decisions on behalf of their respective organisations, subject to each representative organisation's scheme of delegation and management arrangements. The operational decisions of the Board are likely to fall within the following types of activity for the Garden Community project:
 - Reviewing and agreeing the Project in terms of the:
 - o Annual milestones and key activities for the next financial year
 - o Detailed milestones and activities for the 3 months following the Board meeting
 - o The risk assessment and proposed mitigation for the activities and milestones
 - o Competitive bidding processes and allocation/prioritisation of funding for that financial year.
 - Reviewing and agreeing the Engagement Strategy in terms of non-statutory stand-alone consultation exercises related to Garden Community.
 - Reviewing and agreeing further procurement related to reports, studies, expertise and services related to progressing the project.
19. The Board will seek to make decisions and agree actions on a consensus basis. Where consensus is not achieved, the outcome will be noted and a report provided to Cabinet for decision.

20. Where in exceptional circumstances an urgent decision, response or recommendation is required of the Board and it is not possible to convene a Board meeting in time, the Chair may, in consultation with all other Board members (subject to quoracy requirements outlined above), make all such decisions, responses and recommendations as appear reasonable and necessary in the circumstances, having proper regard to any previous discussions of the Board. Consultation can take the form of virtual meetings, conference calls and email exchanges. If the Chairman is unable to reach sufficient board members within the timescale of the urgent decision, they may make decisions under powers outlined within the Councils Constitution. All such decisions, responses or representations shall be reported to the next meeting of the Board in accordance with such requirements as the Board may determine.
21. The Board will receive reports and progress updates from the Garden Community Team which will be focusing on the day to day management and needs of the project. The Board will also work closely with the Community Forum and Landowner Forum and will draw information from and feed this into their decision making processes.

Review Dates

22. These Terms of Reference will be reviewed annually from the point of their first approval, or as required.
-

Appendix 2

GARDEN COMMUNITY FREQUENTLY ASKED QUESTIONS

Why do we need a Garden Community?

A new Garden Community would offer the District a long-term growth option. As well as building new homes, including a significant proportion of affordable homes, the Garden Community would also develop job opportunities, attractive green space and public realm areas, transport infrastructure, including roads, buses and cycle routes, community infrastructure, schools, community and health centres, a plan for long-term stewardship of community assets.

The draft Local Plan no longer has a policy for a new settlement (policy SS3), so why continue with a Garden Community?

As the Planning Inspector identified, policy SS3 stated:

'Permission will be granted for the development of a new settlement to be identified from the area of search identified on the Policies Map following the adoption of a New Settlement Development Plan Document and agreed comprehensive masterplan'.

And as such, if adopted with Policy SS3, the Local Plan would have established the principle of a new settlement as the most appropriate growth strategy for meeting the Council's long-term needs.

Exploration under the Garden Community Programme does not commit the Council to deliver a Garden Community and nor (unlike the proposed SS3 policy) does it establish that permission will be granted for development.

MHCLG (and Homes England) have provided an opportunity to consider a new community, with full community involvement, under the Garden Communities Programme. Planning a Garden Community takes time and with a new Local Plan due to be in place by the end of the year, the Council now has time to undertake this work without pressure from speculative developments.

The Council's Garden Community Bid was based on the draft Local Plan including provision for a new settlement but the new settlement policy has now been deleted. Is the bid therefore invalid?

The Council's bid was made in November 2018, and the announcement for the Garden Communities Fund was delayed and made seven months later, in June 2019.

Homes England and MHCLG are both aware that during this period, aspects of bids may have changed for any of the applicants. Homes England, who administer the Garden Communities Programme on behalf of MHCLG, were made aware of the policy change at Hart District Council on the 1st May 2019.

MHCLG and Homes England both acknowledge the significant merits of Hart District Council's bid for a Garden Community. Neither have raised any concerns regarding the change in policy approach, nor questioned the validity of its inclusion in the programme or the funding provided.

Hart's Garden Community Bid suggests that if Policy SS3 is deleted, the Council could continue to produce a New Settlement DPD. Is this what the Council will do?

Producing a New Settlement DPD is potentially an option open to the Council however Cllr Cockarill stated in response to a question at Full Council in July 2019 that:

"In light of the examination there are currently no plans for a New Settlement DPD. This is reflected in the current Local Development Scheme published on our website."

What about investigating alternatives to a new settlement in Winchfield? The Planning Inspector suggested an early review/DPD to look at these. Is the Council doing this too?

The Council will rigorously investigate a range of different development options as part of the 5-year plan review, if additional need is identified.

How does this work on the Garden Community fit in with the Local Plan?

Following guidance and advice from MHCLG and Homes England, the Council, alongside the community, will consider how a Community could evolve. This will be undertaken as a corporate project and will not form part of the Local Plan work. The new Garden Community could represent a development option in future Local Plans.

Is it possible, that when you advised Homes England that policy SS3 had been removed from the Local Plan, that they didn't appreciate the impact this could have on the Garden Community bid associated with Shapley Heath?

Hart's Garden Community Bid clearly stated that:

"Our ambition is to deliver a vibrant and active community in Murrell Green/Winchfield [now known by the working title of Shapley Heath Garden Village (SHGV)]."

The MHCLG Garden Community forms included a section relating to the planning status of the Garden Community. The relationship between draft Policy SS3 and the proposed Garden Community was clearly outlined. Policy SS3 was also referenced multiple times throughout the bid, as was the location in and around Winchfield.

Homes England, the administrators of the programme, were fully aware that Policy SS3 directly concerned the area identified in the Garden Community Bid.

Appendix 3

GARDEN COMMUNITY SPEND PLAN (October 2019 - March 2020)

Based on:

- Committing to a community led scheme that meets the MHCLG principles for a Garden Community
- Needing external support (Advisory support) and initial project management support
- Needing to understand the land acquisition issues outside of that promoted by the developers
- Needing dedicated staff resources to take this forward.

Task	Comment	Who/what	How much
Community Engagement	<p>Stage 1 - Community led baselining</p> <ul style="list-style-type: none"> • What makes a good community, • Vision of Place • What is needed to bring this together? <p>Next Steps Preparation of a Community engagement strategy (not costed) and dedicated Communications resource for web, consultations, local contacts etc.</p>	Consultants	£35,000
Advisory support	<p>Advisory support for</p> <ul style="list-style-type: none"> • The development and refinement of the project plan; • preparation of briefs for concept planning; • assisting with viability assessments and advising on delivery options. <p>Next Steps To be undertaken via internal resources</p>	Consultants	£20,000
Land value/equalisation issues	<p>Advise on options for a mechanism to share/equalise costs and values and to finance and secure advanced and key infrastructure and phasing. Liaise with multiple private and certain public land interests</p>	Consultants	£30,000

	Lead and negotiate with relevant land interests to secure landowner and developer agreements to the appropriate mechanism.		
Staff Capacity	<ul style="list-style-type: none"> To support Governance arrangements To support technical work 	Part time administrative	£20,000 (part year)
		Full time dedicated senior post	£50,000 (part year)
Total			£155,000

KEY DATES AND TASKS (October 2019 - March 2020)

Date	Task
7 August	HDC Meeting with Homes England
August/September	Meetings with key partners including EM3 LEP, HCC, etc.
17 th September 2019	HDC Overview & Scrutiny Committee
October	Member briefing on Garden Communities
3 rd October	HDC Cabinet
October	Draft JD's for new roles and advertise for new positions
October	Begin administration of the Governance arrangements
October	Meeting with Homes England and Developer/promoters
October/November	Site visits to successful Garden Communities
October/November	Begin procurement for externally provided consultants <ul style="list-style-type: none"> Community engagement Advisor/project management Land value/equalisation
November/December	First governance meetings begin
December	New staff appointed
December	Procurement of external consultants concluded and consultants engaged
January 2020	'what if' workshop sessions with industry experts e.g. clean growth, on site food growth, smart travel and homes etc
February	Community Engagement begins based on guidance from the consultants including <ul style="list-style-type: none"> Workshops on a Vision of Place Surveys on what makes a good community Launch of a new website
Spring	Analysis of initial consultation provided to the Community Forum, Land Owners Forum and Garden Community Board

OVERVIEW AND SCRUTINY COMMITTEE

Date and Time: Tuesday, 17 September 2019 at 7pm

Place: Council Chamber, Civic Offices, Fleet

Present:

COUNCILLORS

Collings, Crisp (substitute for Lamb), Crookes (Chairman), Davies (from 7.07pm), Dorn, Drage, Farmer, Wildsmith, Worlock

In attendance: Councillors Bailey, Cockarill, Neighbour, Radley, Wheale

Sally Plank, CEO, Citizens Advice Hart

Officers Present:

Patricia Hughes	Joint Chief Executive
Neil Carpenter	Audit Manager
John Elson	Head of Technical and Environmental Services
Liz Glenn	Health and Wellbeing Project Officer
Sabrina Cranny	Committee Services

48 MINUTES

The minutes of the meeting held on 20 August 2019, subject to the following corrections, were confirmed and signed as a correct record.

- Section 41 of the draft minutes: 'It was noted that issues raised through 'fix my street' could be duplicates but that further information on this matter would be considered by Overview and Scrutiny in October'.
- Section 45 of the draft minutes: the Capita data has been circulated.

49 APOLOGIES FOR ABSENCE

Apologies had been received from Councillors Axam, Smith and Lamb who was substituted by Councillor Crisp.

50 CHAIRMAN'S ANNOUNCEMENTS

None.

51 DECLARATIONS OF INTEREST

None declared.

52 PUBLIC PARTICIPATION (ITEMS PERTAINING TO THE AGENDA)

Statements were received from Mr David Turver and Winchfield Parish Council pertaining to the Garden Community Programme, details of which are set out in Appendix A attached to these Minutes.

53 HART CITIZENS ADVICE

Sally Plank, Chief Executive Officer, Hart Citizens Advice, attended to present on performance against SLA for 2018-19.

The emerging three areas which Hart Citizens Advice are providing guidance for are

- 1) Universal Credit
- 2) Mental Health
- 3) EU Settlement Status

Members thanked Ms Plank for her information.

54 SERVICE PERFORMANCE - HEADS OF SERVICE ATTENDANCE

John Elson, Head of Environment and Technical Services, attended to discuss service performance.

Members considered:

- The budget forecast for July end forecasted a £35k overspend. This was primarily due to Waste services; reduced income around the sale of recycling materials, Edenbrook works, and unplanned work on TPOs.
- There was a deferred spend of £21k for Hart drainage as work was taking place next year.
- Highlights in delivery of the service plan include bid funding; £2.1m was awarded from the local enterprise partnership (LEP).
- Carpark charge review - letters would be sent out to parishes at the end of the month with initial proposals.
- The service Key Performance Indicators previously proposed by the committee were discussed and amendments proposed.
- Members were invited to submit ideas around parking KPIs.

55 IMPROVING HEALTH AND WELLBEING IN HART: OUR PLAN 2019 - 2024

Overview and Scrutiny Committee were asked for their comments on the draft health and wellbeing plan 'Improving Health And Wellbeing In Hart: Our Plan 2019 – 2024', in advance of consideration by Cabinet.

Members considered:

- That responsibility for health and wellbeing was a shared collaborative approach across key stakeholders and residents.
- The youth services in wards be integrated within the Plan.

- The military covenant be included in the final report.
- Drug use especially amongst teenagers. There are drug workshops available to provide help and support to parents.
- The Plan should provide more focus on action plans.
- The particular health issues of residents and geographical differences.

RECOMMENDATION to Cabinet

That, subject to any suggested amendments, the 5 year health plan 'Improving Health And Wellbeing In Hart: Our Plan 2019 – 2024' be adopted.

56 HART STREET CARE SERVICES

Members were asked for their views on the proposed renewal of the delegated service agreement with Basingstoke and Deane for the provision of Hart's Street Care Services prior to this being considered by Cabinet.

Members considered:

- An outsourced service has not been tested.
- Although the scope is different between options one and two the costs are roughly the same.
- Whether fly tipping have a dedicated team and would this affect the costs?

Members agreed to option 3.

The Committee agreed the recommendation to Cabinet.

RECOMMENDATION to Cabinet

That Hart District Council renews the delegated service agreements with Basingstoke and Deane Borough Council for the provision of Grounds Maintenance and Street Cleaning Services for the period 1 April 2020 to 31 September 2026 on the basis of:

1. The specification for the new agreement being as proposed in option 3 of thereport.
2. A £64k growth item to fund its implementation is identified in the 20/21 budget for the service, with an additional £34k being allocated from SANG funding.
3. Enhancement of the service specification to strengthen the management structure and provide for additional resources to deal with fly tipping and gum removal (as set out in option 4) is considered as part of the 20/21 budget process.

57 CORPORATE RISK MANAGEMENT REPORT

Members considered the Corporate Risk Register as part of the Council's governance framework:

- Input from members would be welcome to help restructure the report.

DECISION

That the content of the Corporate Risk Register be noted.

58 REVIEW OF THE DEVELOPMENT MANAGEMENT SERVICE

Overview and Scrutiny were asked to note the intention to undertake an independent, external review of the Development Management (DM) service at Hart District Council and to consider any particular issues that the review should focus upon.

After consideration Members suggested the following amendments and issues to focus on:

- To provide a timetable to the parishes to notify people earlier.
- How Conservation be addressed.
- Overall cost benchmarking so the cost of services and efficiency is known.
- Software review
- Inclusion of planning enforcement

DECISION

To approve the scope of the Development Management Peer review subject to the above comments.

59 GARDEN COMMUNITY PROGRAMME

The report provided background to the Garden Community Programme, which the Ministry of Housing, Communities and Local Government (MHCLG) recently announced Hart District Council would be part of.

Members considered:

- SHGV aims to build houses as set by the government and fulfil the Hart District Council corporate policy to plan for growth.
- The scheme was an opportunity to engage with different parts of the community.
- That at the moment it was about the planning and not delivery
- There had been a few preliminary meetings with Homes England, LEP and HCC
- The Garden village scheme falls outside the remit of local plan process
- Project documentation would follow subject to Cabinet approval.
- With or without the funding Hart District Council was still part of the garden community.
- That there were no developer partnerships or agreements in place yet.
- Hart District Council had yet to establish a governance board.

Members considered the documents and made the following suggestions:

- Recommendation 1
Accepted
- Recommendation 2
Accepted
- Recommendation 3
Accepted with modifications: To include Land Value capture as a principle.
- Recommendation 4
Accepted with modifications: Councillor Farmer to work with JCX to reword the Governance Approach to be amended with references to the: 'evaluation phase' rather than delivery. The Terms of Reference will also be reviewed.
- Recommendation 5
Accepted with modifications: Community board to approve membership. To include the following on the end 'for the initial phase'.
- Recommendation 6
Accepted
- Recommendation 7
Accepted
- Recommendation 8
Accepted with modification: An amount up to £500K, funding will be required as part of budget process.

RECOMMENDATION to Cabinet

That the following be adopted:

- 1** That Cabinet notes Hart District Council is now part of the Garden Communities Programme for a garden community with the working title 'Shapley Heath'.
- 2** That Cabinet approves the exploration of the opportunity to deliver a garden community through a place making/place shaping approach.
- 3** That Cabinet approves the place shaping/place making approach to exploring a Garden Community is based on the key principles set out by MHCLG, as identified in paragraph 4.5, with the addition of a principle around land value capture and with the opportunity to expand and refine these, in consultation with the public and key stakeholders as the project moves forward, subject to approval by Cabinet.

- 4 That Cabinet approves the Governance approach as set out in Appendix I subject to amendment by the Joint Chief Executive in consultation with Councillor Farmer.
- 5 That Cabinet grants delegated authority to the Garden Community Board to approve Terms of Reference for each of the governance tiers and to adapt the governance structure and membership for the initial phase of the project.
- 6 That Cabinet approve in principle the Garden Community Funding Spend Plan as set out in Appendix 3, with delegated authority to the Joint Chief Executive, in consultation with the Portfolio Holder, to amend the final version before submission to Homes England.
- 7 That Cabinet approve funding of £785,990 previously allocated for the new settlement in the budget for 2019/2020, is returned to reserves.
- 8 That Overview and Scrutiny notes that a budget up to £500K may be required to be allocated to the Garden Community as part of the budget for 2020/2021.

60 CABINET WORK PROGRAMME

The Cabinet Work Programme was considered.

61 OVERVIEW AND SCRUTINY WORK PROGRAMME

The Overview and Scrutiny Work Programme was considered.

The meeting closed at 10.52pm.

STATEMENT BY THE PUBLIC - David Turver

RHA believes that the Garden Community Programme paper represents a gross and deliberate distortion of the Planning Process and an attempt to avoid implementing the recommendations of the Planning Inspector. We do not accept the Council's argument that SS3 and SHGV are two separate things, and we consider that such a view is fatally undermined by the assumption in the Council's bid for MHCLG funding that SS3 would be approved by the Inspector and form an integral part of the Local Plan. Furthermore, we are advised that the spending of public funds on the SHGV project in defiance of the Inspector's findings and the Local Plan could be unlawful. We have now secured funding for a legal opinion on this question. Given the serious nature of this matter we request that the O&S committee recommends a postponement of this paper until the legal opinion has been completed and presented to the council.

If you do not decide to make such a recommendation, then there are numerous other detailed points that you should consider as part of your deliberations. The first points relate to the financing of the project.

- a) There are no tangible deliverables associated with £155K funding request as part of Rec 6.
- b) Appendix 3 calls for hiring two extra people without quantifying the full-year impact on future year's finances. This cannot be in-line with good practice.
- c) Appendix 3 calls for public funds to be used to resolve the private matters of 'land value/equalisation issues' between developers and landowners with deep pockets. This is inappropriate use of public funds.
- d) There are no timescales, tasks, milestones or deliverables associated with the broader £500K request associated with Recommendation 8. It is inappropriate to effectively create a slush fund and grant such wide discretion over such a large sum when you don't know what you are going to get for it.

We believe you should ask for Recommendations 6 & 8 to be removed or amended to be in line with best practice for use of public funds. The second set of points relates to the scope and objectives of the proposal.

- a) The paper does not mention one of the key Inspector recommendations:
*I am of the view that a significant level of further supporting work would be required for Policy SS3 to be found sound in its current form, which would need to **include appropriate and proportionate arealsite assessments, infrastructure considerations, viability testing, evidence in support of deliverability and further SA work, which would need to be done in an impartial manner with sufficient evidence to support its findings and comparisons with alternative options.***
- b) The work programme does not envisage any of the work recommended by the Inspector and Para 5.6 explicitly rules out looking at alternative locations. This puts the proposal in contempt of the Inspector's recommendations and is effectively pre-determination.

c) The final sentence of Para 5.6 is gibberish.

We believe that you should ask for the paper to be amended so that the work programme reflects the recommendations of the Inspector. Finally, there are several issues with the proposed governance arrangements:

- a) It is inappropriate to have such a large and unwieldy governance structure for £155K of spend.
- b) It is inappropriate to have effectively all senior members and officers of the Council on the Board, with a role to “champion delivery”. This leaves no mechanism for effective review and challenge.
- c) The proposed governance structure doesn’t comply with Cabinet decision of Nov 2018 which decided to create a “Parish Stakeholder Advisory Group”.

We believe the governance and Rec 4 should be amended to address these points.

STATEMENT BY THE PUBLIC - Winchfield Parish Council

WPC verbal comments on Paper F: Garden Community Programme

Winchfield Parish Council, on behalf of 8 other PCs (South Warnborough PC is now formally engaged) requests that the O&S committee recommend that Paper F is withdrawn until all issues and concerns have been rigorously addressed.

We are adamant that the Ministry of Housing Communities and Local Government has erred in awarding £150,000 to HDC for the reasons set out in our letters to the Secretary of State and our MP – copies of which you have seen. HDC should suspend any activity on the programme until the concerns raised in the letters are satisfactorily resolved

We question whether HDC's proposed use of the funding is legitimate and in-line with what MHCLG expects it to be used for. It is premature and irresponsible to be making decisions over the use of public funds to establish a place making/place shaping approach and governance arrangements, when the fundamental issues raised by the Inspector, over the lack of evidence to demonstrate deliverability of a new settlement as a growth option, should be tested first.

HDC will embark on a programme which will ignore the warning in the Inspector's letter dated 26 Feb 19 where he states *'to uplift the housing requirement beyond 423 dpa, would result in open market dwellings being provided when there is no evidence of any need, which could lead to an imbalance between homes and jobs and unsustainable commuting patterns'*. HDC's bid proposes building an extra 2,440 homes during the current plan period from 2023 to 2032.

Without prejudice to the above, WPC has concerns regarding the proposed governance structure. At the Cabinet meeting on 1 Nov 2018 it was agreed that a new group directly linked to the New Settlement Working Group would be set up as the "Elected Stakeholder Advisory Group" consisting primarily of representatives from Winchfield and Hook Parish Councils - Winchfield and Hook PCs will have authority over some £30m of CIL funds. The proposed governance structure in Paper F does not comply with this agreement.

In conclusion, as members of the O&S meeting you are tasked with ensuring that the Cabinet is publicly held to account. In particular, in your terms of reference, you have the right and I quote "to exercise the right to call-in for reconsideration, decisions made but not yet implemented by the Executive" – The 9 PCs look to you this evening to exercise those powers without recourse to party politics.