Policy Title:
LP29 - Stewardship Arrangements

Existing Policies Which adopted Core Strategy or Policies Sites and Places (PSP) policy would eventually be replaced	**N/A - New Supplementary Policy**
Non-Strategic / Strategic	**Non-Strategic**

Purpose

The NPPF requires strategic policy making authorities to plan for large scale development and in so doing '*set clear expectations for the quality of the development and how this can be maintained (such as by following Garden City principles)*'. The National Design Guide contains ten characteristics for well-designed places, including one on 'Lifespan' in which it states that, '*well designed places, buildings and spaces are: Designed and planned for long-term stewardship by landowners, communities and local authorities from the earliest stages; Robust, easy to use and look after, and enable their users to establish a sense of ownership and belonging, ensuring places and buildings age gracefully*'. Building for a Healthy life refers to the need for well-considered long-term robust management & stewardship arrangements whether public or private.

Over the last couple of decades, primarily due to public sector resource and development viability issues, it has become common practice for public open space in new developments to be transferred to and managed by private management companies (manco's). The practice is now well established and encompasses a variety of models from simple profit-based companies funded purely via resident's management charges to trusts and charitable organisations with strong community representation and multiple funding sources. Different models including local authority or registered provider management & maintenance may also be appropriate in different circumstances.

The policy is therefore necessary to meet NPPF requirements to set clear expectations for how large-scale development can be maintained. As different models may be appropriate in different circumstances it is not appropriate to prescribe one approach, but ensure that stewardship arrangements are considered early, different models and approaches assessed, and professional advice engaged to assist select the most appropriate way forward. What is clear though is that there are a number of themes that need considering and in determining the most appropriate solution for any new development that applicants/developers and management schemes should demonstrate:

- Thorough investigation of public and community ownership and management of open space and amenities. Only where this is not practicable, then:
- Robust resident participation in decision making (in perpetuity).
- Transparency of decision making and funding.
- Robust clear, equitable and sustainable funding arrangements.
- Absolute clarity of which adopting authority is responsible for what, and
- A consistent approach across all phases of the development.

It should be noted that the Government's recent response to the CMA's market study into housebuilding recommends introducing 'common adoptable standards' and 'mandatory adoption' for Local Authorities but also recognises that such far reaching proposals would have implications for housebuilding and Council budgets. Further research is therefore recommended. The Council agrees with this approach as Local Authority adoption of 'public' assets clearly provides the most democratic accountability and transparency of approach and if possible and practicable will be strongly preferred. In the meantime, solutions that provide for resident control (robust Resident Management Company models) are required alongside collaboration with existing well established local organisations, charities and social enterprises such as wildlife and sports groups and Parish & Town Councils wherever possible and practicable.

Policy wording

1. **In the first instance, where practicable and viable democratic accountability through public management of open space is strongly preferred including by the Council or local Parish or Town Council. If not feasible, where-ever possible, management of assets by existing well established local organisations, charities and social enterprises such as community, wildlife and sports groups is strongly preferred and should be thoroughly investigated. Where this is not feasible in full or in part, robust resident participation models (Resident Management Companies) are required.**
2. **To deliver high quality landscaping and public realm in perpetuity all major development that includes new areas of open space and green infrastructure should include for approval at outline or full application stage a management & maintenance strategy that:**
    a. **clearly details which adopting authority is responsible for what; and**

   b. **ensures clear accountability via transparent, robust, equitable and sustainable contract, budgeting & funding arrangements and arrangements for robust public/resident participation in decision making (in perpetuity). This should include resident input and oversight of objectives and expenditure, the scrutiny of accounts, representation on the management entity board and the legal right to change the management agents where necessary.**

3. **With regard to Strategic Development Allocations at Woodlands and North Lyde New Villages, Carsons Green/Rockhouse Farm & North Warmley New Neighbourhoods, landowners &/or their developer partners including registered providers and self and custom build enablers will, in addition to the above criteria, be required to consider management and maintenance issues at the outline stage and provide an assessment of the potential options for estate stewardship arrangements. They shall jointly agree the appropriate model, objectives and principles with the Council prior to determination of the outline planning application.**
4. **Where it is not practicable for a public authority or community body to be the primary stewardship entity, the master developers must also:**
   a. **Ensure that local authority, parish and/or town council, registered providers, Extra-care, self & custom build enablers, C2 & BTR operators, school academy trusts, local sports clubs, as well as any on site energy, commercial, and other interested parties liaise and work with the estate stewardship entity board.**
   b. **Provide an endowment and a strategy for a range of income streams to fund the management and maintenance of areas of open space, facilities and amenities to the standard necessary for them to contribute to the needs of the wider community and that each developer/landowner contributes proportionate funding to pump prime the management entity or entities.**
   c. **Provide a regular onsite management entity presence, and**
   d. **Facilitate community development and resident group participation in management arrangements.**

Supporting text

1. Clear, robust and funded management arrangements of the public open space and communal assets are a critical component of delivering long-term sustainable communities. The Council supports the Government response to the CMA's report into housebuilding (Oct 24) which recommends introducing 'common adoptable standards' and 'mandatory adoption' for Local Authorities. New legislation and funding sources will however be necessary to achieve these objectives, and as such may be some time away. In the meantime, therefore, this policy seeks to significantly improve standards of accountability and fairness in such management arrangements by promoting some simple rules and objectives. Specifically, promoters and developers should follow a sequential approach, i.e.:

    a. Explore the feasibility of public ownership of the assets (Local Authority or Parish/Town Council), if this is not feasible,

    b. Thoroughly investigate adoption of assets by well-established local organisations, such as by local wildlife, sports or community groups, and then or in combination with,

    c. Constitute arrangements for resident oversight and participation in management of the assets via a Residents Management Company.

2. Management & maintenance schemes must:

    a. Be absolutely clear which adopting authority is responsible for what. This should be shown on a clear and accurate plan showing all areas of the site with the respective management body, including public authorities. This should be carefully considered in a collaborative way. New communities inevitably have a range of stakeholders. The local authority may continue to adopt roads and collect waste, the parish or town council may wish to continue to receive a precept and therefore play a role, and other organisations such as registered providers, local sports clubs and school academies often perform important community development functions as well as provide communal facilities. It is important therefore that these organisations are engaged with early on to understand and agree potential roles.

    b. The Management & Maintenance Strategy should then ensure robust clear, transparent, equitable and sustainable contract and funding arrangements. Very careful consideration is therefore needed to ensure that if as a last resort service charges are necessary, then these should be equitable, minimal and affordable in perpetuity. Alternate and/or additional funding streams must therefore be considered and put in place to limit the burden on new residents, especially those in affordable housing. This could include income from assets (e.g. rental charges for use of pitches, halls, public areas and commercial property), lump sum management investment funds/endowments and other sources of income such as grants, charitable donations and contributions from other stewardship partners such as the parish council. The estimated contribution of such sources should be clearly set out in the management & maintenance strategy and measures put in place to enable the management board to continue to utilise such funding.

    c. Ensure clear robust transparent arrangements for resident participation and oversight of decision making (in perpetuity), including resident input and oversight of

objectives, budgeting, scrutiny of accounts, representation on the management entity board and critically the legal right (including a clear achievable process) to change the management agents where necessary. The Management & Maintenance scheme should thus include a clear resident's guide to these rights and clearly set out where these rights are reflected in the articles of association.

3. For the largest new communities, they should in addition to the points above, with the Council consider management and maintenance options at the outline stage. If it is agreed that public or community adoption of public open space and local amenities is not practicable, they should:

    a. Take steps to ensure all potential interested parties are engaged with and have representation on a formally constituted stewardship board.

    b. Ensure other sources of funding (other than service charges) are available to provide the necessary management arrangements for open space and amenities that may attract use by wider members of the community,

    c. Provide a regular estate management presence onsite for residents to be able to talk to about any issues and promote voluntary work / community involvement in the management of the estate, and

    d. facilitate a stakeholder engagement group and employ a community development professional.

4. All of the issues above should be carefully considered and reflected clearly in management & maintenance schemes, supporting plans, and legal agreements to ensure their delivery. A Public Charter & Supplementary Planning Document will be produced that will set out expected standards and management options / models and the context / scenarios where they would be most appropriate as well as model clauses for articles of association and s106 agreements.

Additions	
Key evidence	
Other relevant policies to cross-reference?	