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To: Growth, Economic Development and Communities Cabinet
Committee – 16 September 2014

Subject: Ebbsfleet Garden City UDC

Classification: Unrestricted

Past Pathway of Paper: None

Future Pathway of Paper: None

Electoral Divisions: Dartford & Gravesham

Summary:

This report provides an update regarding the proposed Ebbsfleet Garden City and Urban Development Corporation. The report principally covers the appointment of the Chairman and the consultation launched by Government in August as well as providing an update on the interim governance arrangements.

Recommendations:

Members of the Growth, Economic Development & Communities Cabinet Committee are asked to: **CONSIDER** the report; and to **NOTE** the progress to date and the immediate next steps and to **COMMENT** on the Ebbsfleet Development Corporation consultation.

1. Introduction

1.1 Background

A report was presented to this Cabinet Committee at its meeting of 8th July 2014 which covered the announcement made by Chancellor of the Exchequer in March regarding the Ebbsfleet Garden City and the proposal to set up an Urban Development Corporation (UDC). The report provided Members with information on the vision and objectives being considered for Garden City/UDC; the interim governance arrangements that have been put in place; the location and scale of development; the planning framework and the planning powers that were being considered for the UDC.

1.2 This report provides an update on the progress of the Ebbsfleet Garden City and UDC focusing principally on the appointment of the Chairman Designate and the Government's consultation on the UDC. It should be noted that a report to Environment and Transport Cabinet Committee on

17th September 2014 will also invite comments to the Cabinet Member for Environment and Transport to inform his views in the formation of KCC's formal response to the consultation.

2. Chairman Designate

- 2.1** On 11 August, the Rt. Hon. Eric Pickles, Secretary of State for Communities & Local Government announced the appointment of Michael Cassidy CBE as the Chairman Designate of the Ebbsfleet Development Corporation. Mr Cassidy has extensive experience in a range of roles across the business and industry sectors. He is currently Chairman of the City of London Corporation's Property Investment Board and is on the Board of Directors of Crossrail. Mr Cassidy's role as the Chairman Designate will be to steer the Development Corporation providing the focus and direction needed to deliver the ambitious development plans for the Ebbsfleet Garden City.
- 2.2** The Chairman Designate has had an early meeting with the Leader since his appointment and arrangements are being made for him to attend a Members briefing currently being proposed for the 9th October.

3. Consultation on Ebbsfleet Development Corporation

- 3.1** At the same time as the Chairman Designate was announced a consultation was launched by DCLG on the Ebbsfleet Development Corporation. The purpose of the consultation is to seek views on: -
- the creation of the Ebbsfleet Development Corporation as a new statutory body to drive forward development at Ebbsfleet;
 - the geographical area in which the Development Corporation will operate;
 - the planning powers to be granted to the Development Corporation; and
 - the composition of the Development Corporation Board.

A list of the key questions covered by the consultation is shown in **Appendix A** of this report.

Principle of Development Corporation

- 3.2** The consultation recognises that the area around Ebbsfleet station has been identified as the location for large scale mixed development for some time and the idea of major development in the area is not new. As previously reported much of the development is already consented and could provide up to 11,100 homes, up to 753,000m² of employment floorspace and over 10,000 jobs. An important principle that has been established with the consented developments is the balance between residential and employment which will make it more sustainable in the long term and bring economic benefits to the wider area. Notwithstanding the

opportunities created by the proposed London Paramount leisure park this principle should be maintained.

- 3.3** The Ebbsfleet Development Corporation is seen by Government as a response to the slow progress of development in the area in part due to market conditions and the complexity of large scale development requiring significant co-ordination, expertise and at times funding for key infrastructure that can unlock development. The Development Corporation is to be created to respond to the unique needs of the area working closely with the local authorities to provide the direction, focus, expertise and resources to deliver the planned development.
- 3.4** Whilst the creation of a Development Corporation and associated funding is broadly welcomed, particularly as a vehicle to assist the delivery of housing, jobs and economic growth, there are a number of issues that will need to be addressed. The Development Corporation will need to ensure that it accelerates the delivery of development rather than delay it. It will also need to ensure that any investment strategy is clearly linked to the delivery of infrastructure needed to support growth and the creation of a truly sustainable community for the future where people want to live and work. It is imperative that the pace and acceleration of development does not compromise the funding of essential infrastructure provision e.g. schools and transport.

Area of Development Corporation

- 3.5** The proposed area for the Development Corporation is shown in **Appendix B** to this report. The area largely covers the major development sites of Ebbsfleet, Eastern Quarry, Northfleet Embankment, Northfleet West Sub-Station and the proposed London Paramount on Swanscombe Peninsula. The proposed area does not include the existing residential communities of Swanscombe, Greenhithe and Northfleet and also excludes areas such as Northfleet Industrial Estate and Springhead Enterprise Park where there is existing commercial development and multiple land ownership.
- 3.6** Through the Senior Delivery Board and Officer Working Group established by the Department for Communities & Local Government (DCLG) as part of the interim governance structure, the County Council has provided advice regarding the area of the Development Corporation. Whilst there is broad agreement on the area, particular concerns have been raised regarding the safeguarding of Robins Creek and Red Lion Wharf. A significant proportion of minerals come into the County through wharves along the Swanscombe and Northfleet riverside. The safeguarding of these two wharves has significant implications for the County's emerging Minerals & Waste Local Plan (the statutory development plan for minerals and waste planning) and the consequences of the County Council's planning functions with regards to minerals and waste applications will need to be fully addressed.

Establishment & Powers of the Development Corporation

- 3.7** The Development Corporation will be created by a Statutory Instrument that is to be laid before Parliament. It is the current intention of Government, subject to Parliamentary approval, that this process will be completed and the Development Corporation will be operational by early 2015. There is no fixed timespan for the proposed Development Corporation but it is proposed that it is subject to a review 5 years from its establishment.
- 3.8** The statutory objectives and powers of a Development Corporation are set out under Section 136 of the Local Government, Planning & Land Act 1980. Broadly speaking all of the powers of a Development Corporation are those that are already available to local authorities. The benefits of a Development Corporation are that it can focus on taking forward the regeneration and development of a particular area and devote substantial resources including funding towards that objective, without its focus being diverted by the broad range of activities that a local authority needs to manage on a day-to-day basis. It is anticipated that the Ebbsfleet Development Corporation will work closely with the local authorities and landowners to act as a catalyst for the creation of the Garden City.
- 3.9** It is proposed that the Ebbsfleet Development Corporation should be given comprehensive and consistent powers within its boundary area. The Development Corporation would not have plan making powers but would have powers to determine planning applications. In determining planning applications the Development Corporation must have regard to the provisions of existing local authority development plans so far as they are material to the application.
- 3.10** Essentially this means that the Development Corporation will determine all planning applications within its area, including minerals and waste applications that would normally be determined by the County Council. The Development Corporation would, however, be bound by the policies and development framework set out in the Local Plans produced by Dartford and Gravesham Borough Councils and by the Minerals & Waste Local Plan produced by the County Council.
- 3.11** It is intended that a Memorandum of Understanding (MoU) would be agreed between the local authorities and the Development Corporation. The aim of the MoU would be to agree the processes on how matters would be handled including transitional arrangements, consultation with the local authorities, how local democracy will be represented and local authorities might be engaged in any decision making processes etc. Whilst the MoU would not be legally binding it provides the opportunity for the local authorities to agree with the Development Corporation a wide range of matters relating to the delivery of development and infrastructure in the Ebbsfleet Garden City.

Development Corporation Board

- 3.12** The Development Corporation's Board will be responsible for: -
- ensuring that the Development Corporation discharges its functions effectively and efficiently;
 - that it fulfils the overall aims, objectives and priorities set out in its corporate plan; and
 - that it complies with all statutory or administrative requirements relating to the use of public funds.
- 3.13** The Board is appointed by the Secretary of State that consists of a Chairman, a Deputy Chairman and between 5 and 11 other members. For the Ebbsfleet Development Corporation it is proposed that the Board would have 11 members (including the Chairman and Deputy Chairman) and that the three local authorities (KCC, DBC and GBC) will each be represented on the Board.

Consultation Process

- 3.14** The public consultation on the Ebbsfleet Development Corporation will run from **11th August to 6th October 2014**. To meet this timescale the following course of action is proposed: -
- **the formal response to the consultation will be prepared by the Director of Planning, Environment & Enforcement,**
 - **the formal response to the consultation will be agreed by the Cabinet Member for Environment & Transport, in consultation with the Cabinet Member for Economic Development and as appropriate the Chairmen of the Planning Applications and Regulation Committees.**
- 3.15** In drafting the County Council's response to the consultation it needs to be borne in mind that the Development Corporation will be established under existing legislation, which is quite explicit. As outlined above, it is clear that the Development Corporation will have planning powers to determine all planning applications within its defined area but will not have plan making powers.
- 3.16** In discussions with the Department for Communities & Local Government it has been made clear that the County Council and the Borough Councils will retain the ability to grant itself planning permission for community facilities. Again, as outlined above, there has also been a clear commitment, which is confirmed in the consultation document, that the County Council would be represented on the Development Corporation Board.
- 3.17** The statutory process to establish the Development Corporation still has to run its course and whilst the area has been broadly defined in the consultation document there is still the opportunity to amend it through

the consultation process. Similarly, the planning powers of the Development Corporation are defined by existing legislation but there remains the opportunity of reaching agreement with the Development Corporation regarding how the local authorities, local elected members and the local community are consulted and engaged in the process of executing these powers.

4. Next Steps

4.1 The immediate next steps regarding the UDC include:

- Formal response to the Government's consultation on the Ebbsfleet Development Corporation.
- Member's briefing with the Chairman Designate - scheduled for 9th October.
- The requisite Statutory Instruments to be laid before Parliament.
- Premises for the UDC identified and staffing resources secured.

5. Conclusions

5.1 Since the announcement of the Garden City in March, good progress has been made regarding the interim governance and establishment of the Development Corporation. The appointment of Mr Michael Cassidy as the Chairman Designate is welcomed as this should benefit the direction and focus of the Development Corporation during this interim period whilst the statutory instruments for its establishment are proceeding.

5.2 The Government's consultation on the Development Corporation is also welcomed. Whilst the principle of a Development Corporation for the Ebbsfleet area as a vehicle to accelerate the delivery of housing, jobs and economic growth is broadly accepted the consultation affords the opportunity for the County Council to raise a number of issues that will need to be addressed and form the basis for ongoing dialogue. These include a range of matters, which are to be included in the report to Environment and Transport Cabinet Committee on 17th September, that members may wish to consider: -

- Governance, engagement and consultation – there is an obvious need for a protocol to be developed around how the UDC will engage with the County and Borough authorities and to clearly establish the role/s that respective elected members will have in the process of decision making;
- Community Engagement – the UDC will need to develop proactive positive engagement and consultation processes as the development of Ebbsfleet is progressed under the UDC model;
- Making best use of County and Borough expertise – there is extensive expertise amongst County and Borough members and officers in relation to the Ebbsfleet UDC area – in many cases KCC

officers have been involved in various aspects of the Ebbsfleet development(s) for many years and KCC holds specialist planning and technical knowledge (in matters such as minerals and waste, heritage, biodiversity etc);

- Respecting existing work and progress – KCC and other authorities have invested in progressing development schemes in the Ebbsfleet locality over the past decade. There are a number of schemes with both housing and employment aspects which already have planning consent and are subject to Section 106 agreements.
- An appropriate strategy for infrastructure delivery – the UDC will need to ensure that any investment strategy is clearly linked to the delivery of infrastructure needed to support growth.
- Relationship with the Paramount proposal – the consultation notes that the London Paramount proposal will be taken forward via the National Strategic Infrastructure Project route. However, London Paramount is a significant proposal with wide reaching implications and there will be obvious synergies/impacts with the infrastructure and development proposed in the wider UDC area.
- Longer term responsibilities – there are particular areas, relating to the longer term management and ongoing maintenance/adoption of buildings and infrastructure, that may have potential implications for KCC.
- A Memorandum of Understanding is proposed between the UDC and County/Borough authorities. This is the logical mechanism for agreeing appropriate engagement and consultation protocols, as well as setting out the mechanism of ensuring appropriate engagement of elected members and the community in the decision making process.

5.3 KCC will 1) continue to actively support the establishment of the Development Corporation through representation on the relevant groups that have been formed as part of the interim governance arrangements and the UDC board and 2) contribute to the substantial work that is still required regarding infrastructure provision and the details of the planning powers whilst fully protecting our interests in respect of infrastructure delivery and service provision.

6. Recommendations

Members of the Growth, Economic Development & Cabinet Committee are asked to: -

- a) CONSIDER the report and to NOTE the progress to date and the immediate next steps; and
- b) COMMENT on the Ebbsfleet Development Corporation consultation.

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Background Documents:

Ebbsfleet Development Corporation Consultation, Department for Communities & Local Government, August 2014:

<https://www.gov.uk/government/consultations/ebbsfleet-development>

Appendix A: Key Questions from Consultation on Ebbsfleet Development Corporation

Appendix B: Proposed Area for Ebbsfleet Development Corporation

Key Questions from Consultation on Ebbsfleet Development Corporation

1. Do you agree with the proposal to create a Development Corporation at Ebbsfleet, Kent?
2. Are you satisfied with the proposed boundary of the Ebbsfleet Development Corporation as set out in Appendix A?

[Note: Appendix A of the consultation document shows the proposed area of the Ebbsfleet Development Corporation. This has been copied and is attached as Appendix B of this report.]

3. Do you think there are any areas which should be added into the area of the Ebbsfleet Development Corporation?
4. Do you think there are any areas which should be taken out of the Ebbsfleet Development Corporation?
5. Do you agree with the proposal to give the Ebbsfleet Development Corporation the planning powers as set out in the consultation document?
6. Do you agree with the proposal for the Ebbsfleet Development Corporation to have 11 Board Members?

The consultation asks a number of additional questions but these are all related to information about the respondents.

Proposed Area of the Ebbsfleet Development Corporation

