

From: David Brazier, Cabinet Member for Environment & Transport  
Paul Crick, Director Environment Planning & Enforcement

To: Environment & Transport Cabinet Committee – 17 September 2014

Subject: DCLG Consultation on the formation of the Ebbsfleet Urban Development Corporation

Classification: Unrestricted

Past Pathway of Paper: None

Future Pathway of Paper: None

Electoral Division: Dartford & Gravesham

**Summary:** This report provides detail in relation to the Department of Communities & Local Government consultation in respect to the establishment of the proposed Ebbsfleet Garden City Urban Development Corporation. The report principally covers the background and extent of the consultation, and outlines a number of key areas that members may wish to consider in reviewing the consultation.

**Recommendations:**

Members of the Environment & Transport Cabinet Committee are recommended to:

- a) CONSIDER and NOTE the information pertaining to the DCLG consultation on the formation of the Ebbsfleet Urban Development Corporation; and
- b) Make any COMMENT/S to the Cabinet Member for Environment & Transport to inform his views in the formulation of KCC's formal response to the consultation.

## 1. Introduction

1.1 On 11 August 2014 the Department for Communities & Local Government (DCLG) released its formal consultation on the formation of an Urban Development Corporation (UDC) to guide development at Ebbsfleet. This follows the County member briefing held on 30 July 2014.

1.2 The consultation deals with the proposed role, responsibilities and powers of the UDC, providing an opportunity to comment on details including:

- Background into the need for an Ebbsfleet UDC;
- The role of the UDC and its board;
- The proposed boundary of the UDC area; and
- The proposed planning powers to be acquired by the UDC.

1.3 The consultation closes on 6 October 2014.

1.4 The following course of action is proposed:

- Following discussion at this Cabinet Committee meeting the formal response to the consultation will be prepared by the Director of Environment, Planning & Enforcement taking into consideration those points raised/agreed by members; and
- The final 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.

## **2. Background**

- 2.1 In March 2014, as part of the Budget, the Government announced plans to create a new 'Garden City' at Ebbsfleet capable of providing up to 15,000 new homes, primarily on previously developed land.
- 2.2 Ebbsfleet has long been identified as a strategic site for housing and development. The 'Ebbsfleet Valley Scheme' dates back to the 1990's, with a number of key sites (including Ebbsfleet, Eastern Quarry and Northfleet Sub-station) forming significant opportunities for new housing. However, despite planning permissions being in place progress has been slow and much of the development has failed to materialise. The Ebbsfleet Development Corporation is seen by Government as a response to the slow progress of development in the locality.
- 2.3 Subject to the outcome of consultation and the necessary Parliamentary approvals, the consultation documents state that the UDC will 'coordinate investment and drive forward development' within the identified UDC area.

## **3. Chairman Designate & Formal Consultation**

- 3.1 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'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.
- 3.2 At the same time as the Chairman Designate was announced a consultation was launched by DCLG on the Ebbsfleet Development Corporation (to run from 11 August to 6 October 2014).
- 3.3 A list of the key questions covered by the consultation is shown in **Appendix A** of this report.

## **4. The Principle of the Urban Development Corporation**

- 4.1 The consultation recognises that the area around Ebbsfleet has been long identified as the location for large scale mixed development – 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 and up to 753,000m<sup>2</sup> of employment floorspace. An important principle that has been established with the consented development is the balance between

residential and employment which will make it more sustainable in the long term and will also bring economic benefits to the wider area.

- 4.2 The Ebbsfleet Development Corporation is seen by Government as a response to the slow progress of development in the area. This is, in part, due to the complexity of large scale development that requires significant co-ordination, expertise and (at times) funding for key infrastructure to unlock development. The UDC 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. In addition, the consultation paper reveals that £200 million in funding for infrastructure will be made available to unlock development in Ebbsfleet.
- 4.3 KCC has been a long term supporter of the development of Ebbsfleet and has previously invested expertise and resources to advancing proposals in the locality. As such, KCC is likely to be supportive of any measures which aim to progress development in the locality to provide much needed housing and employment land.
- 4.4 Whilst the creation of a UDC 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 UDC 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. It is imperative that the pace and acceleration of development does not compromise the funding of essential infrastructure provision e.g. schools and transport.

## **5. Key Aspects of the Consultation**

### The Boundary of the Ebbsfleet UDC Area

- 5.1 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.
- 5.2 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 is critical for the County's emerging Minerals & Waste Local Plan and implications of the loss of these wharves would be in both environment and economic terms – leading to a need to establish alternate importation methods, potentially adding significantly to the

cost and environmental impact of transport, including a potential change to road transport options. This would ultimately impact on the costs of construction in the County. As such, consequences of the County Council's planning functions with regards to minerals and waste applications will need to be fully addressed.

#### The Establishment & Powers of the Ebbsfleet UDC

- 5.3 The Development Corporation will be created by a Statutory Instrument that is 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.
- 5.4 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 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 Ebbsfleet Garden City.
- 5.5 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 plans so far as they are material to the application.
- 5.6 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. Local authorities would still be responsible for determining proposals for their own development/s.

#### Memorandum of Understanding

- 5.7 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 e.g. transitional arrangements, consultation with the local authorities, how local authorities might be engaged in any decision making. 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.

## Roles & Responsibilities of the Ebbsfleet UDC Board

- 5.8 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.
- 5.9 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.

## **6. Formulating KCC's Formal Response**

- 6.1 In drafting the County Council's response to the consultation it needs to be borne in mind that the establishment of the Development Corporation will be done under existing legislation which is quite explicit. 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.
- 6.2 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 themselves planning permission for community facilities. 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.
- 6.3 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. The planning powers of the Development Corporation are defined by existing legislation but there remains the opportunity of reaching agreement (through the MoU) 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.

## **7. Matters for Consideration/Discussion**

- 7.1 The purpose of this paper is to seek comments from Members to inform the Cabinet Member's views on the consultation. This will permit for the formulation of a formal response. Given the wide reaching implications of development in Ebbsfleet and the formation of the Development Corporation, the views of the Cabinet Member for Economic Development and, as appropriate, the Chairmen of the Planning Applications and Regulation Committees will also be sought.
- 7.2 There are a range of matters that members may wish to consider in their discussions on the matter:

## Governance, Engagement and Consultation

- 7.3 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. This is particularly relevant given that the UDC will assume decision making powers for planning matters across the UDC area. Whilst the Borough and County Councils will still retain plan making responsibilities (for the Local Plans and Waste & Minerals Plans respectively) and there are a range of matters for which those existing authorities will retain responsibility, there needs to be a clearly defined working relationship between the authorities and the UDC.
- 7.4 As previously mentioned, it is intended that a Memorandum of Understanding is to be established between the UDC and the District/County Authorities, and whilst this is the obvious mechanism to establish engagement and decision making protocols it may be important to note this as an item high on the agenda of the County Council.

## Community Engagement

- 7.5 There is some question as to the role of existing communities in the operation of the UDC. As previously mentioned, there are a range of planning approvals in place, and negotiated Section 106 agreements which provide positive outcomes across the wider locality. The UDC will need to develop proactive engagement and consultation processes to ensure that existing communities, who are likely to have certain expectations with the nature of proposed development, are not marginalised or 'left out' as the development of Ebbsfleet is progressed under the UDC model. Again, these matters will need to be set out clearly and in detail as part of the MoU.

## Make Best Use of County and Borough Expertise

- 7.6 There is extensive expertise amongst County and Borough officers and members 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 specialists planning & technical knowledge (in matters such as minerals & waste, heritage, biodiversity etc) which should not be lost in the development moving forward. In addition, the County authority is key in recognising the wider strategic implications of mineral and waste management decisions – having an over-arching view of development and planning matters across the County permits for a unique perspective on the impacts of decision making. It is imperative that that UDC makes best use of this expertise in driving forward the development objectives.

## Respect Existing Work and Progress

- 7.7 As previously mentioned in this paper, 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 are already have planning consent, and are subject to Section 106 agreements.

7.8 Given the extensive work and agreements that are already in place, the UDC will need to work closely with the County and Borough authorities to ensure that it accelerates the delivery of development rather than delay it. There needs to be an understanding and respect for existing approvals, negotiations and funding agreements in order to make best use of the work undertaken thus far.

#### An Appropriate Strategy for Infrastructure Delivery

7.9 The UDC will need to ensure that any investment strategy is clearly linked to the delivery of infrastructure needed to support growth. It is imperative that the pace and acceleration of development does not compromise the funding of essential infrastructure provision (e.g. schools and transport).

#### Relationship with the Paramount Proposal

7.10 Does a more clearly defined relationship between the UDC and the London Paramount proposal need to be articulated? The consultation notes that the London Paramount proposal, if taken forward, will be unconnected with the UDC, and that a consent would be via the Nationally Strategic Infrastructure Project route via a Development Consent Order under the Planning Act 2008. However, London Paramount will represent a significant proposal with wide reaching implications. There will be obvious synergies/impacts with the infrastructure and development proposed in the wider UDC area.

#### Longer Term Responsibilities

7.11 There are particular areas (relating to the longer term management of development and ongoing maintenance/adoption of infrastructure) that has potential for impact on KCC. In adopting planning powers, it is unclear what regard the UDC will have in respect to such matters as ongoing enforcement or development standards for infrastructure (that will eventually be adopted by other authorities, potentially including KCC). Decisions made as part of the planning process have clear (and potentially significant) cost implications for KCC. As such, clear agreements and processes will need to be in place to ensure that planning decisions do not have adverse long term implications on other authorities.

#### The Proposed Memorandum of Understanding

7.12 It is noted that a Memorandum of Understanding is proposed between the UDC and County/Borough authorities. It would appear that this is the logical mechanism of agreeing appropriate engagement and consultation protocols, as well as setting out the mechanism of ensuring appropriate engagement of Members and the community in the decision making process. Should some of the parameters of the MoU be more specifically set out or agreed as part of the formation of the UDC?

### **8. Conclusions**

8.1 On August 11th 2014 the Department for Communities & Local Government (DCLG) released its formal consultation on the formation of an Urban Development Corporation (UDC) to guide development at Ebbsfleet. The

consultation concludes on 6th October 2014 and deals with the proposed role, responsibilities and powers of the UDC.

- 8.2 It is proposed that, following discussion at this Cabinet Committee meeting, the formal response to the consultation will be prepared by the Director of Environment, Planning & Enforcement taking into consideration those points raised/agreed by members. The final 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.

## **9. Recommendations**

The Environment & Transport Cabinet Committee is asked to:

- a) CONSIDER and NOTE the information pertaining to the DCLG consultation on the formation of the Ebbsfleet Urban Development Corporation; and
- b) Make any COMMENTS to the Cabinet Member for Environment & Transport to inform his views in the formulation of KCC's formal response to the consultation.

## **10. Background Documents**

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

Appendix A: Key Questions from the Consultation on the Ebbsfleet Development Corporation

Appendix B: Proposed Ebbsfleet Urban Development Corporation Area Map

## **11. Contact details**

Report Authors  
Andrew Roach, Planning Policy Manager  
03000 413 447  
[andrew.roach@kent.gov.uk](mailto:andrew.roach@kent.gov.uk)

Sharon Thompson, Head of Planning Applications  
03000 413 468  
[sharon.thompson@kent.gov.uk](mailto:sharon.thompson@kent.gov.uk)

Relevant Director:  
Paul Crick, Director Environment Planning & Enforcement  
03000 413 356  
[paul.crick@kent.gov.uk](mailto:paul.crick@kent.gov.uk)