

BRIEFING NOTE FOR EYNHAM PARISH COUNCIL ON LONG TERM STEWARDSHIP AND SECTION 106

STEWARDSHIP DRAFT HEADS OF TERMS

Following discussions with the Parish Council Community First Oxfordshire have drafted outline Heads of Terms for a Section 106 Agreement that ALL owners/developers should sign up. The eventual drafting will be undertaken by legal advisers but at this stage this briefing note can be seen as staking out the ground for long term stewardship.

It is subdivided between the West Eynsham Strategic Development Area and the Salt Cross Garden Village. Whilst there will be some overlap Garden City schemes require specific additional measures to govern their operation and these principles as set out by the Town and Country Planning Association are appended to this Briefing Note.

1. Long Term Stewardship

Long-term stewardship should be considered right from the very first stages of planning a new development – many funding opportunities can be secured only at the early stages (for example, site development briefs in Local Plans, CIL charging schedules, masterplans and section 106 agreements should include long-term stewardship considerations). A schedule of assets needs to be prepared and included into any agreement on stewardship at an early stage.

Good design is crucial to place making but can also be a critical determinant of future maintenance and running costs of buildings and landscapes so it also needs need to be considered at the design stage. Planning for long-term stewardship therefore involves thinking beyond the site boundary. Dialogue and partnerships with neighbouring councils at all levels should be established at an early stage. Large-scale infrastructure such as sustainable drainage systems will require agreement from a number of partners and commitments over adoption at an early stage of the development process.

Often there will be existing formal governance structures such as parish councils, although a single parish council is unlikely to cover an entire area for larger sites. Parish councils and existing community groups could be partners and even beneficiaries of any stewardship body, so early conversations about how these structures might work together are essential.

Long-term stewardship is about linking public engagement and delivery and it should be determined whether there are existing community organisations, such as a community land trust, or whether processes of asset transfer are in train, with groups looking for land to build upon. Community needs and opportunities to meet them should be identified, and there should be local representation on delivery teams and partnerships.

2. West Eynsham SDA

This is a large area of land comprising a substantial area of green space to be developed for new housing split amongst several parties with large landholdings in line with an approved Masterplan for the SDA.

An overarching comprehensive agreement relating to the whole scheme has yet to be implemented with all the parties and two planning permissions have already been granted without any arrangements for stewardship. There are key items to be implemented such as the proposed spine road connecting up the proposed housing areas but these are not within the scope of this stewardship arrangements to be agreed.

The remaining parties with either no permissions in place or in the process of applying will therefore need to be bound to the same terms regarding stewardship as follows :

The whole of the designated area of the SDA will be encompassed in the stewardship agreement **excluding those areas developed already or with planning permission in place** which has begun to be implemented unless stewardship is secured by condition ie that a S106 must be agreed prior to commencement of development on that specific landholding.

Areas of land where a Manco has been set up already may be incorporated later into the SDA stewardship arrangement by agreement with the residents of that area. This may be subject to a variation of the overall endowment to permit those residential areas currently outside the SDA stewardship arrangement to enter into the scheme.

3. Draft Heads of Terms

All parties wishing to secure planning permission for the implementation of the SDA Masterplan as amended and subsequently approved by the WODC must be a party to this agreement.

This agreement will require an overarching stewardship to be put in place prior to commencement of development comprising :

- Details of the assets to be stewarded to be listed and to be delivered at the Stewardship Commencement Date in complete form following inspection to meet all statutory, legal and safety standards and requirements and including all necessary assets such as buildings, car parks, gates, paths, fences, equipped play areas, allotments as well as biodiversity gains and other blue-green infrastructure and so forth to an approved standard.
- The intention of all the parties is to have a suitable body such as a Trust to be a stewardship body to take ownership of all identified community assets within the SDA on a whole scheme basis and be responsible for their long term maintenance and management in perpetuity.
- No Management Companies will be set up to take ownership or maintenance responsibilities within the SDA and parties will be responsible for maintenance and completion of all works on their land holdings prior to handover to the Trust. A shadow Trust Board will be established ready to take on responsibility according to agreed structure and constitution. This will need to be approved by the District and Parish Council.
- No occupation of homes will be permitted until the endowment and transfer of stewardship assets has occurred. If the developments are executed in phases it may be agreed that the transfers of assets and funding may also be phased based on the number of homes in the phase as a proportion of the agreed whole of scheme SDA stewardship cost.
- For the purposes of this scheme of stewardship all the parties will contribute a lump sum by way of an endowment representing the capitalized maintenance sums and sinking fund for renewal of capital items as identified above.
- The assessment of the amount of the endowment will be undertaken on costs which are obtained based on contractor works and then quantified through an agreed model. The overall costs or endowment sum will be apportioned between all the parties based on the number of housing units agreed on their holdings.
- The handover of assets may happen at different times but must be accompanied by the full payment of the endowment.

- Developers may be represented on the initial shadow board until their areas are handed over to the successor Trust body. The Parish Council must be involved in preparation and agreement of the Community Management and Maintenance Plan.
- Resident and Community representation on the Trust and involvement in a Stewardship Management Plan will also be an important part of the stewardship process.

Garden Village Stewardship

Most of the above will apply in some form but may be subject to variations as these have to align with legal definitions and requirements of Garden Village designation.

The Inspector's report on the Area Action Plan was published on 1st March 2023 and makes various recommendations. On long term stewardship the report states ;

"199. Long term maintenance and stewardship of Salt Cross is an issue that would be considered in more depth as detailed proposals evolve. Requiring this matter to be considered early in the process is justified by the objectives for Salt Cross. The evidence base underpinning the AAP considers options for maintenance and stewardship. However, it is not robust enough to justify the bias towards the community land trust model that is currently expressed in Policy 31. For flexibility, and therefore effectiveness, MM55 removes the specific reference to this, putting the community land trust model on an equal footing to the other options that should be explored as part of the Community Management and Maintenance Plan that is required under the policy".

It may be concluded by the Parish Council from this that early intervention in the S106 negotiations are appropriate at this early stage and that furthermore there is a considerable amount of work to be undertaken before any decision is made on the specific trust model to be adopted. This will depend on the Community Management and Maintenance Plan to be referenced in the draft Heads of Terms and that the Parish Council should be a signatory to this based on the Neighbourhood Plan, Eynsham Design Guide and stewardship models being considered.

Most of the outline Heads of Terms will be similar but the extra provisions will embrace some Garden City principles and in addition the Community Management and Maintenance Plan must be included in the S106.

Appendix :

Notes from the Town and Country Planning Association on Garden City Principles

Garden City Principles are an indivisible and interlocking framework for their delivery, and include:

- Land value capture for the benefit of the community.
- Strong vision, leadership and community engagement.
- Community ownership of land and long-term stewardship of assets.
- Mixed-tenure homes and housing types that are genuinely affordable.
- A wide range of local jobs in the Garden City within easy commuting distance of homes.
- Beautifully and imaginatively designed homes with gardens, combining the best of town and country to create healthy communities, and including opportunities to grow food.
- Development that enhances the natural environment, providing a comprehensive green infrastructure network and net biodiversity gains, and that uses zero-carbon and energy positive technology to ensure climate resilience.
- Strong cultural, recreational and shopping facilities in walkable, vibrant, sociable neighbourhoods.
- Integrated and accessible transport systems, with walking, cycling and public transport designed to be the most attractive forms of local transport.