

05 December 2013

Report to **Frome Town Council** External Affairs Committee 18 December 2013

Dear Sirs

Re: **SAXONVALE:** Community Led Development

I am writing to invite the Town Council to enter into agreement with a local Development Trust to promote the development of Saxonvale in accordance with the aims and objectives of the Neighbourhood Plan; the draft Local Plan, Government policy and the Garsdale Development Brief currently adopted as supplementary planning guidance.

The key objectives would be

- To support and facilitate a development that responds to the wishes of the local community as evidenced by many years of consultation and would deliver better regeneration outcomes in terms of housing, jobs, employment and recreational space than is proposed by the current application by Frontier Estates
- To seek funding through the Governments Right to Build programme to support a viability assessment and ultimately an application for a Community Right to Build Order
- To identify the potential to build a consortium of landowners and commercial delivery partners with the vision and capacity to deliver the regeneration of this important area

These are the objectives of a newly formed Community Interest Company; the **Carley Community Development Trust** which is an independent organisation led by local people with community interests and corresponding business and professional skills.

Background

The Government's Neighbourhood Planning policy

"I want communities of all shapes and sizes, living in the smallest of villages and the largest of cities, to have the chance to drive forward their own plans for the future of their neighbourhoods unhindered by red tape" **Grant Shapps** Housing Minister 2012

The Governments 'Big Society' Vision was built on local people having the right to determine the future development of their area. The Localism Act 2011 set out specific rights and provision for community organisations to bring forward their own plans.

Frome as a frontrunner of the Government's Neighbourhood Planning programme have recently published the Town's **Neighbourhood Plan**. I was engaged as a professional consultant to help produce that Plan which sets out a 15 year vision for the Town. The Plan is expected to be formally adopted in spring of 2014.

In addition to the right to bring forward a Neighbourhood Plan, the Localism Act also sets out specific community rights to buy assets, challenge services and in certain circumstances to secure planning consent through a referendum vote. It also offers assistance to communities looking to undertake development themselves. This is known as the **Community Right to Build**.

A qualifying organisation (a properly constituted community company or Parish/Town Council) may apply for a Community Right to Build Order by which they can effectively bypass the planning system by seeking approval to develop through a community referendum. Such an Order can only be made by a qualified body either with a land ownership or able to demonstrate an identified route to secure such ownership.

The scheme is administered through the Government's Homes and Communities Agency (HCA) on behalf of the Department of Communities and Local Government (DCLG). Details of the Trust's intentions have been provided to HCA who in consultation with DCLG have confirmed that they would welcome such an application. Further information on the scheme is at [Community right to build](#)

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This application would in terms of the size of development proposed be the largest in the UK. It would seek funding expected to be in the region of £100,000 to support professional costs. A 10% match funding contribution is sought by the authorities.

Saxonvale

Saxonvale is one of the issues that has dominated public feedback on the Neighbourhood Plan and the more recent Participate consultation. The development of this site is key to the delivery of policies on Town Centre improvements, transport, housing, business and employment, environment and open space.

Option holders Frontier Estates have lodged an outline planning application for the development of part of the Saxonvale site for a supermarket. The full details are awaited but it is clear that this will fall well short of the objectives set out in the original planning brief and the emerging Neighbourhood Plan.

Concern has been expressed that Mendip District Council as the planning authority may not have the ability or appetite to challenge this application given that neither the Local Plan nor the Neighbourhood Plan are at this stage adopted.

The development brief for this site was an enlightened and forward thinking piece of work that established a framework for a comprehensive sustainable development that could be a beacon regeneration project. Both Kevin McCloud (Grand Designs) and Pooran Desai (One Planet Living) recognised the importance of this when they spoke in Frome in September. The Town is unlikely to see such an opportunity come round again.

The Trust intends to seek Government funding through the Community Right to Build programme to help establish the credibility and resources to undertake such a development with the support of commercial partners. To achieve this they ask for the support of the Town Council as a key landowner.

The Town Council owns approximately 15% of the developable area and therefore has a significant commercial interest in this development. Under the Frontier proposals the Council land, whilst allocated for residential development, would overlook a service yard.

The Role of the Town Council (as landowner)

The Town Council in agreeing to support this partnership will initially be a joint signatory to the CRTB funding application. An Officer from the Council (I suggest Peter Wheelhouse as regeneration manager) will be invited to attend meetings of the Trust. Subject to a viability review, the Town Council may subsequently be invited to join a landowner's consortium and subsequently enter into a joint development agreement.

The Role of the Trust (as commissioning body) and Community Juice

The Trust in collaboration with the Town Council would take on the responsibility of scoping out the brief and appointing consultants to undertake a design and commercial viability study. They will also consult with landowners, developers and funders to assess the potential for delivering an alternative mixed use development.

I have offered advice in connection with the setting up of the Trust and, subject to agreement, I have offered the support of the organisation *Community Juice* which I am setting up to build capacity for such projects. I have 30 years experience in property development and investment and in that capacity have been instrumental in bringing together large and often complex development projects of this nature.

Proposal	<p>That Frome Town Council agree to support this joint application in accordance with its commitment to the Neighbourhood Plan and the aim to secure maximum social economic and environmental benefits from the development of its land at Saxonvale.</p>
The Benefits	<p>Frome Town Council will take action to support the Neighbourhood Plans objectives</p> <p>This would secure Government support and funding for the projects objectives</p> <p>A credible alternative plan is likely to influence other key stakeholders including Mendip DC</p> <p>A CRtB Order would present the community with an alternative development option</p> <p>Adoption of the Order would bring further financial benefits to the Town including entitlement to the New Homes Bonus funding estimated at close to £ 1m over 6 years</p> <p>This would be a high profile initiative that could provide a development template for community regeneration and enhance the Town's reputation and standing</p>
The Risks	<p>This is a pioneering and therefore untested application process.</p> <p>The CRtB funding application fails</p> <p>Frontier secure consent</p> <p>The project timescales cannot be met</p> <p>Joint landowners agreement cannot be delivered</p>
Timescales	<p>The Carley community development trust will be formally incorporated by 18th December</p> <p>The intention is to submit a CRtB application immediately following ratification by the Council's external affairs committee on 18th December</p> <p>Subject to the above HCA will endeavour to bring this before their selection committee on January 8th 2014. The application will then pass to DCLG for budget approval.</p> <p>The intention is that a CRtB order would be linked to the timing of the Neighbourhood Plan referendum</p>
Budget implications	<p>The Town Council are asked to underwrite match funding based on 10% of the project costs and would estimate no more than 50% would be drawn down in the current financial year</p> <p>Contributions would also be sought from other landowners and developers</p> <p>There are four sequential milestones set out in the CRtB guidance notes</p> <p>The Council should consider associated costs of officer time and any consulting/legal support</p>
The CRtB application	<p>A draft will be forwarded to the Council with a view to agreeing the content in advance of the Council meeting on 18th December</p>

Conclusion

In my professional opinion the capacity of the current landowners; their focus on returns rather than benefits and their apparent inability to collaborate has frustrated the development of this site over many years. This approach is not in my view sympathetic to the DNA of Frome nor does it justify relaxing development or planning restrictions which are there to ensure that the best regeneration potential is realised from the scheme as a whole.

The Governments stated intention to devolve responsibility to local communities has been taken up by the Town Council who have spent considerable time and money developing a 15 year Plan for the Town. This clearly and unequivocally recognises the significance of the Saxonvale development site in meeting those objectives.

This proposal presents an opportunity to follow through on that commitment and recognises the Town Council have a key role in steering this development from one that could potentially damage the vitality of the Centre to one that could would justify its future status as a “One Planet” community.

I shall be happy to respond to questions arising when I address the Council meeting in 18th December.

Yours faithfully

David Parkes