

22 NOVEMBER 2022

**ESTATE CHARGES AND STEWARDSHIP**

**WORK IN  
PROGRESS**



# Contents

**Background 2**

**Key Aims 2**

**Legacy Developments 3**

**Garden Settlements 6**

**Local Plan Allocations 6**

**Key Topic Areas identified to date 6**

**Acknowledgements and References 9**

# Background

The question of affordability across all tenures led to a number of issues and discussions taking place coupled with the desire to reduce overall costs for residents. Estate Management and Charging was a major issue identified from residents complaints relating to costs and stewardship matters. As a result through the SELEP Housing and Development Working Group support was given to set up a sub Group specifically to consider this issue.

The aim is not to duplicate the good work being carried out by the TCPA or Homes England and other organisations but to learn lessons from the following:-

- Legacy sites
- Monitor and share experiences from existing and emerging Garden Communities
- Address Local, County and Unitary Authority Councillors post bag issues.

This will be an ongoing process and fits into two categories. Firstly legacy sites where the fixes will not be as straight forward and secondly new developments. The latter fits into two further categories of Garden Settlements and smaller developments.

## Key Aims

The ideal aim would be for Estate Charges and Management to be a zero cost to residents.

Seek where possible to design in assets which generate income to contribute or pay for estate management of all areas and responsibilities.

Sharing lessons learnt in the actual delivery of stewardship models and finding solutions. Important not to duplicate good work that has already been undertaken, hence the need to sign post to practical support available such as Homes England's tool kit and TPCA's Toolkit: Long-term stewardship for new communities.

Identify ways in which emerging good practice can be used to remedy issues on Legacy sites

The group is keen to test different models of stewardship – endowment v charging, look at the best way to engage education and health to establish when and how new facilities should be delivered in garden community schemes. Consider how model / approach can be best embedded in local plans. Determine how flexibility can be introduced for varying developments / requirements. Explore the role of the New Homes Ombudsman regarding potential malpractice in estate management.

## Legacy Developments

Issues raised in Councillors post bags include accusations of miss selling, unfair charging and general malpractice.

Set bullet points on pros and cons of rent charging setting out key issues and potential alternatives.

Management Companies, Management Agreements and Managing Agents. Common risks associated with management companies and managing agents once the arrangement has commenced? What can be done when a management company or managing agent is not doing what it is supposed to?

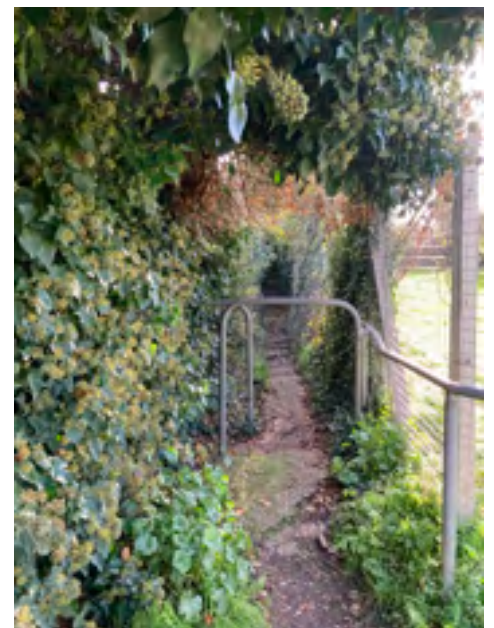
The amount of managed land appears to be increasing for example front gardens (rather than passing on the responsibility to the resident) another example is in the past Local Authorities or another body would have adopted the public open spaces for a commuted sum with no ongoing financial obligation for the residents.

More shared areas being handed over to the Management Companies and infrastructure which statutory undertakers etc don't want responsibility for e.g. surface water storage and related structures.

Community woodlands and contributions are becoming common practice funded by residents.

How to calculate and apply estate charges? Do you use a matrix system to identify and adjust for fairness? Simply use bed spaces or gross or net square footage?

The photos below are examples of open spaces and managed areas from various ownership and Stewardship models..





The photos raise questions over conveyancing, management companies, whether to use voluntary organisations (some photos are from an area a Voluntary Charitable Society successfully preserves and enhances a Conservation Area



## Garden Settlements

Various presentations and discussions have taken place and approval is needed to populate this section. However, key topic areas incorporate most of the key issues identified.

## Local Plan Allocations

From discussion within the Group it is evident that issues are arising usually as a dispersal approach through Local and Unitary Development Plan allocations. Refer to approaches to Local and Unitary Plans in the Key Topic Areas.

## Key Topic Areas identified to date

- Land Ownership

Land Ownership, are there any specific lessons to be learned. For example Otterpool Park where the Local Authority has majority land ownership compared to Cheeseman's Green where the land is in developer control? Any other examples?

- Conveyancing

Conveyancing issues and importance of getting it right, by ensuring all land is conveyed away and there is a clear understanding relating to future purpose, ownership, use and any maintenance requirements.

- Estate charging

Simplified rent charging policy that is future proof. For example ensuring residents understand the arrangements to off-set issues arising in the future.

Is the term Rent Charging misleading in itself and how do you calculate a fair distribution of the costs.

- **Long term management**

Long term management – securing this at early stage. Looking at umbrella management arrangements by sharing stewardship charter aimed at addressing challenge of sites in multiple ownership / different uses and different local authority / parish areas being developed in Harlow Gilston Garden Town.

Review the retrofitting work being undertaken in Chelmsford Garden Community to create a more progressive stewardship structure aimed at improving standards, delivering community development and leveraging-in funding opportunities.

Determine how to avoid multiple management companies and differing approaches when new developers acquire commence land parcels. This is specifically important on the conveyancing issues.

- **Approaches to Local and Unitary Plans**

Embedding stewardship in local plans – sharing new settlement work being undertaken in South Essex (Arcadis).

How to tackle estate charges and stewardship with the varying approaches to Housing allocations

Is it possible, necessary or is there current guidance to which can be incorporated or introduced as policy within Plans to ensure best practice is embedded within planning applications?

- **Education and health**

Consider how future community gardens can best phase-in education, health and wider social value.

- **Life mapping and social value**

Sharing quality of life mapping in Harlow Gilston GT and social value work.



- Investment Zones or Future Government Initiatives

Is there potential to use this or future initiatives to leverage in grants to remedy problems on existing developments and group small site allocations within Local Plans to avoid the issues of the past being repeated?

- Going Forward

**Potential Solutions** On larger sites especially Garden Communities there is potential to positively plan for ongoing income from land uses within the Estate to subsidise or negate the need for Estate Management Fees. Possibility to take over some of the Local Authority obligations for a reduced Council Tax. Use of voluntary groups or colleges to reduce cost of ongoing maintenance work.

Regular updates from the Garden Communities within the SELEP area and wider afield.

This forum will choose stewardship topic areas to discuss / share and importantly build on, to enable our Essex and Kent garden communities to thrive and flourish. We will look to capture what is going on in Essex and Kent and pick up on issues etc.. T

Through the evolving stewardship models and working with Homes England and TPCA, will seek to find more progressive models that best deal with the topics / issues identified.

Meetings will be set up every 2-3 months to support this with a presentation on a related subject or matter.

# Acknowledgements and References

- We are grateful to TCPA, Homes England, members of the Group and Local Authority Officers for their continued support and frankness about the issues they are experiencing and lessons they are learning.
- Housing Essex (A Voice for Housing Partnerships in Essex) link to Strategic Planning and Garden Communities This link provides further links to South Ashford Garden Community / Chilmington Green, Kent; Otterpool Park, Kent; Harlow and Gilston Garden Town, Essex
- Housing Essex (A Voice for Housing Partnerships in Essex) link to Strategic Planning and Garden Communities This link provides further links to South Ashford Garden Community / Chilmington Green, Kent; Otterpool Park, Kent; Harlow and Gilston Garden Town, Essex

<https://www.housingessex.org/topic/strategic-planning-and-garden-communities/>

- Homes England link to Garden Communities Toolkit published 27 September 2019  
<https://www.gov.uk/guidance/garden-communities/legacy>

- TCPA's Toolkit: Long-Term stewardship for new communities  
<https://tcpa.org.uk/collection/toolkit-long-term-stewardship/>

- TCPA's The Heart of the Matter: Emerging Lessons in Long Term Stewardship  
[https://tcpa.org.uk/wp-content/uploads/2022/03/theheartofthematter\\_report\\_16.03.22\\_v1.pdf](https://tcpa.org.uk/wp-content/uploads/2022/03/theheartofthematter_report_16.03.22_v1.pdf)

- Refer to the Estate charges and Stewardship Introduction and Overview dated 10th March 2022 which was used to stimulate initial discussion at the first meeting of the forum.