Town and Country Planning Association
Working to secure homes, places and communities
where everyone can thrive

17 Carlton House Terrace
London, SW1Y 5AS
www.tcpa.org.uk

January 2024

From patchwork to tapestry

Overcoming barriers to planning for long-term stewardship in existing communities

January 2024

From Patchwork to Tapestry: Overcoming barriers to planning for long-term stewardship in existing communities

Town and Country Planning Association
17 Carlton House Terrace
London SW1Y 5AS
020 7930 8903
tcpa@tcpa.org.uk
www.tcpa.org.uk

Authors
This report has been written by Celia Davis, Charlotte Llewellyn and Katy Lock.

Acknowledgements
The TCPA is grateful for the generous support of the Lady Margaret Paterson Osborn Trust.

The Lady Margaret Paterson Osborn Trust

The TCPA would like to thank the following case study interviewees who generously contributed their expertise and learning, and assisted in sourcing images:

Clare de Bathe, Chichester Community Development Trust
Mark Patchett, Community Stewardship Solutions
Jay Shaw, London Borough of Southwark
David Suen, London Borough of Southwark

Cover image: Residents grow food as part of Southwark's Great Estates Programme. Image source: Southwark Council

About the TCPA
The Town and Country Planning Association (TCPA) works to challenge, inspire and support people to create healthy, sustainable and resilient places that are fair for everyone. To this end we aim to improve the art and science of planning in the UK and abroad and work to secure fresh perspectives on major issues, including planning policy, housing, regeneration and climate change. Informed by the Garden City Principles, the TCPA's strategic priorities are to:

- Work to secure a good home for everyone in inclusive, resilient and prosperous communities, which support people to live healthier lives.
- Empower people to have real influence over decisions about their environments and to secure social justice within and between communities.
- Support new and transform existing places to be adaptable to current and future challenges including the climate crisis.

Contents

1 Introduction

Creating healthy, thriving communities means providing the spaces, places and infrastructure that people need to live well and which enable the natural world to thrive. It also means empowering people to have a say on how their homes and neighbourhoods are created and managed, providing opportunities for active citizenship. Long-term stewardship is an approach to delivering and managing places that enable people and the environment to flourish in perpetuity. It is one of the core Garden City Principles,[1] and is an essential ingredient to creating places people are proud to live for years to come. There is no ‘one size fits all’ approach to stewardship, and understanding the right approach and model takes time and resources.

The Town and Country Planning Association (TCPA) has produced extensive guidance on long-term stewardship in relation to new communities, from Garden Cities and New Towns to new settlements and urban extensions being developed today [see Box 1 for details of our guidance on long term stewardship]. Our research into emerging lessons from places seeking to embed stewardship has provided practical evidence to support this. The TCPA’s guidance primarily focuses on the application of stewardship approaches in larger-scale, new developments, with recognition that many of the lessons apply to a range of scales and development contexts. It has promoted the idea of holistic ‘whole-place’ stewardship, where a combination of community assets and community development functions are managed across a whole development for the benefit of residents and wildlife.

A key message from this work is that achieving the full benefits of stewardship requires consideration from the very start of a plan or project, including the long-term financing and viability of stewardship approaches. While there are some authorities and developers who are leading the way on this, the reality is that stewardship is often an afterthought, and there is growing experience and interest in how to improve arrangements later in the development process.

Some new community projects have the benefit of being on a site where no existing development exists, allowing stewardship arrangements to be planned from scratch. For many new community projects however, there are often parcels of land which have already been developed and have maintenance regimes in place. Sometimes there is a whole patchwork of existing developed areas each with their own management arrangements. This presents a challenge to embedding a holistic approach to management across a whole site. Our research on emerging lessons in long-term stewardship highlighted some of the issues and challenges around the use of private Management Companies, presenting a variety of service charges and delivery standards.

Beyond new communities, there is increasing recognition of the role of long-term stewardship across whole local authority area, or in the regeneration of existing places. In both these scenarios, existing management arrangements for established communities can present challenges to planning and implementing holistic approaches to stewardship.

[1] See the TCPA’s “*Garden City Principles”* webpage at https://www.tcpa.org.uk/garden-city-principles/

About this report

This report is part of the TCPA's ongoing research into emerging lessons in long-term stewardship. It explores the challenges and opportunities encountered by those delivering projects which seek to embed or 'retrofit' long-term stewardship approaches where there are existing communities and stewardship arrangements in place. It seeks to draw together common themes from these examples and provide transferable lessons for other places. It is aimed primarily at local authorities, but we hope will also be useful for developers, community organisations and anyone engaged in planning for long-term stewardship.

It does not include introductory information about long-term stewardship in general and includes some technical information. It is designed to be read alongside the TCPA's other research and guidance on long-term stewardship which is outlined in Box 1 and available in the **TCPA Online Toolkit on long-term stewardship**.[2]

Food growing in Ebbsfleet. Image source: The TCPA

Achieving a high quality model of stewardship

The TCPA's recent work on stewardship has explored many of the barriers and challenges to long term stewardship and identified some of the common features of a high quality stewardship model. This report builds on this learning to consider how these can inform

[2] *Relevant stewardship resources and further information.* The TCPA online toolkit, 2022. Available from: https://www.tcpa.org.uk/resources/relevant-stewardship-resources-and-further-information/

approaches to retrofitting arrangements where they are already in place. A quality model of stewardship should:

- Secure stewardship for the long term;
- Be resourced through a sustainable finance model;
- Provide opportunities for meaningful community participation;
- Have effective and transparent governance arrangements in place; and
- Help deliver local aspirations for quality places.

Whilst the issues discussed in this report reflect the experiences of retrofitting stewardship arrangements explored in the case studies, it is important to reiterate that the TCPA's advice remains that better outcomes and more efficient processes can more comprehensively and effectively be secured through early consideration of long-term stewardship in the development process, and the implementation of a stewardship model from the outset. However, the themes below are likely to reflect many development contexts across England and seek to draw out opportunities for improving outcomes where less than optimal arrangements have been put in place.

Box 1: The TCPA's Guidance on Long-Term Stewardship

The TCPA has produced a series of practical online resources to assist those planning for long-term stewardship in their area. The toolkit is designed primarily for local authorities and their private sector delivery partners who are planning for new and renewed communities at scale. However, much of the information and key learning is relevant to anyone considering the role of long-term stewardship in their area. The toolkit is a live resource, with new content being added periodically.

TCPA research and guidance:

- Practical Guides for Creating Successful New Communities – Guide 9: Long-term Stewardship (2017)
- Built Today, Treasured Tomorrow: A good practice guide to long-term stewardship (2014)
- A process guide to developing a long-term stewardship strategy
- Research into emerging lessons in long-term stewardship in new communities

Other resources include:

- A summary of national policy and legislation on stewardship
- A summary selection of live stewardship organisations and service charges
- Case studies of Long-term stewardship
- A briefing note on securing long-term stewardship through the development plan
- Signposts to other research guidance and support on long-term stewardship

Methodology

This report has drawn on previous work by the TCPA and other organisations that explore the barriers, opportunities and value of long-term stewardship approaches to place management to frame the report. This informed the development of the research questions which framed the research and report (see Box 2). Learning has also been drawn from recent reports and publications that have considered the challenges of current stewardship approaches and highlight good practice. This knowledge has been complemented by three case studies, selected to reflect common contexts in which stewardship arrangements may be revised or changed. Each case study has been informed by a semi-structured interview with a professional engaged in the project delivery.

The first case study focuses on the experiences of the Chichester Community Development Trust and the lessons they have learnt from designing and managing community assets to protect their viability and function for the long term. The second case study considers the experience of the Ebbsfleet Garden City Trust in seeking to retrofit stewardship arrangements inherited in a large, multi-phased development, and the third considers a local authority seeking to improve the environment of large post-war housing estates by enabling more community involvement.

Box 2: Retrofitting stewardship research questions

1. What are the key barriers to establishing a holistic approach to the stewardship of places, when arrangements need to 'retrofitted'?
2. What models of stewardship have been successfully retrofitted to existing arrangements, to deliver the long-term management of community assets?
3. What are the common features of a quality stewardship model?
4. What lessons can be drawn from these models and experiences of retrofitting stewardship that are relevant to different development contexts and scales?
5. Are there further areas of research and guidance that should be explored to understand opportunities for whole place stewardship in different contexts?

2 The retrofitting challenge

There are many different approaches and models of stewardship operating across England, reflecting different development contexts, scales of development and the changing role of local government over time. The different models also reflect that there is no ‘one size fits all’ solution to achieving long term stewardship, and the best arrangement for a particular project will need to consider the specific context and needs of the community.

If management arrangements are not carefully considered from the outset, issues in the standard of care for community assets can arise. These can be difficult to address due to a range of factors, such as legal arrangements that are difficult to change once established, or the complex institutional responsibilities of local authorities that can present barriers to community involvement.

It is therefore helpful to be aware of the different stewardship models that are commonly used. These different options are explored in considerable detail in the TCPA’s *Heart of the Matter* and *Built Today, Treasured Tomorrow* reports, but the most common approaches broadly fall into the following four categories, or a hybrid of the following:

Adoption (by Local Authority or Parish Council)
Traditionally, local authorities would take on responsibility for the management of community assets such as parks and community buildings. This was typically financed by a commuted sum from the developer and council tax. However, local authorities are increasingly under strain due to limited funding and capacity and as a result are less able to take on responsibility for new community assets that are established as part of new development projects.

Management Companies (or ManCos)
Management companies have increasingly become the default model of stewardship used by developers, particularly at large development sites. Management companies (sometimes referend to as ‘ManCos’) are set up to maintain specific areas of shared space and facilities on new developments. Residents agree to a covenant that is put on properties ‘to levy a service charge for the maintenance of shared public areas and greenspace.’[3] This service charge is used by the management company to deliver the maintenance and management of the facilities, which is often contracted to a managing agent. Box 5 summarises the emerging key challenges with ManCos.

Community or Charitable Trust / Community Interest Company
A community organisation governed by a stakeholder board can take ownership and responsibility for the ongoing care and management of community assets, within a framework that allows any profits from the organisation’s activities to be used for the benefit of the community it serves.

Well known examples of Trusts include the Bournville Village Trust and the Parks Trust in Milton Keynes (see Box 3). Trusts can be set up in a number of different forms, but they are

3 ‘Management companies and service charges – what’s the problem?’ In *The Heart of the Matter: Emerging Lessons in Long-Term Stewardship*. TCPA, March 2022. p.22

usually charitable and provide a way for community assets to be held in the interests of the local community.

Third Party stewardship organisations

There are several third-party organisations that can take on the stewardship of community assets. For example, organisations such as the Land Trust, Greenbelt and the Wildlife Trust are examples of organisations that engage in the stewardship of green spaces, although their operational models can be quite varied in practice. The use of third-party organisations does mean there is a risk that assets become fragmented, which could hinder a whole-place approach to stewardship.

Box 3: The Parks Trust, Milton Keynes

The Parks Trust in Milton Keynes was set up as a registered charity in 1992. It was granted a 999-year lease over the city's parkland alongside a £20 million endowment.

The Parks Trust has worked to become a self-financing organisation by diversifying and growing its portfolio. As Milton Keynes is one of the fastest growing areas in the UK, the trust works with developers, highlighting the benefits of transferring new green infrastructure to the trust accompanied with an endowment.

The trust has been working to incorporate itself into policy. The trust has been campaigning to secure in the Local Plan that all new green infrastructure is transferred to the Parks Trust or similar organisation.

The Parks Trust, Milton Keynes supports a wide range of activities such as The MK Festival and Picnic in the Park (pictured).

Image credit: Caroline Brown, David Lock Associates.

A fundamental aspect of all these stewardship models is the ability to secure both capital assets and revenue to support their long-term maintenance (see for example Box 4 on the Chatham Maritime Trust). In some of these models, these are provided by the developer in the form of endowments, which is a donation for which a specific purpose is defined. These can take the form of a financial contribution or property (such as a green space or community centre), or both. These are generally agreed at the planning stage and secured through Section 106 agreements.[4] It is most effective if assets are accompanied by financial contributions towards long term management, but this is difficult to secure after the planning stage when developer contributions are agreed.[5]

Box 4: The Chatham Maritime Trust

The Chatham Maritime Trust was established in 1997 to manage the long-term stewardship of the Chatham Maritime Estate for at least 150 years. It is envisaged that the Trust will eventually own the majority of the public space in the development.

The Trust has three main revenue streams including service charges, rent charges, and the trust endowment fund. Additional income is also provided through the community centre and Watersports centre. Revenue may also be generated through the provision of services (e.g., income from being the freeholder/head lessee of property and charges for services) as well as through premiums generated when freeholds are sold, or there are fees paid for variations to leases.

Of these models, the current default in new development sites is for Management Companies to be established and take ownership and maintenance responsibility for specific areas of shared space and/or other community assets. Usually, the ManCo will in turn employ a managing agent, which will undertake roles including collecting service charges, providing customer support, and undertaking or contracting maintenance works, such as landscaping.

When the developer sets up the management company, they will normally be involved as Directors, with the intention of transferring responsibility to residents once the site is completed. The residents then become responsible for liaising with the managing agent to undertake the maintenance and operation of the amenities in question.

ManCos are a commonly used model for managing the shared infrastructure around new developments and provide a route for developers to secure and demonstrate that long term maintenance of shared assets will not fall to local authorities. However, there are some serious challenges with the use of ManCos which have become more prominent in recent years. These are summarised in Box 5.

[4] *The Heart of the Matter: Emerging Lessons in Long-Term Stewardship.* TCPA, March, 2022. p.20
[5] D Lock: 'Stewardship of public green space – using land values for endowments' *Town & Country Planning.* Vol. 89, 2020. No. 4/5. April / May

Box 5: Common challenges with the use of ManCos

The patchwork effect

It can take several years for large-scale development sites to be planned, designed and constructed. Large developments are usually built out in phases, which are often led by different developers and house builders. There are therefore likely to be multiple planning permissions across a site, pertaining to the different phases of development. In this scenario, each of these developers will seek to establish maintenance and management arrangements for the section of the site they are bringing forward, which can lead to a complex patchwork of management companies and agencies operating across a single development site, often adhering to different standards and service levels.

Service charges

Developers will levy a charge to each household to make a contribution to the stewardship of the development site. This can be problematic if authorities or developers are looking to establish a stewardship regime for new amenities, as it could lead to multiple charges for some households. There may also be a challenge if residents on one part of a development are paying different rates to others. The Competition and Markets Authority (CMA) recently undertook an evidence gathering exercise into the house building markets and heard testimony from 250 members of the public that reported instances of unfair charges imposed on them by estate management firms and a poor quality of service.[6]

Long term management

Site developers will set up management companies and retain control whilst they are on site. During this time, they will be able to adequately resource the running of the ManCos and ensure any contracts are working well. The point at which developers exit the site and transfer responsibility of the ManCos to residents can represent a weakness in the process, as it places large obligations on residents who often lack the required skills, time and experience and can grow to see it as a 'thankless task'. Sometimes, if residents do not take on the companies, the developer might offer control to the managing agent. This is problematic, as it contributes to what the CMA have identified as potentially a 'significantly imbalanced' power relationship in favour of suppliers.[7]

Managed for whom?

Householders that pay a levy towards the upkeep of their environs and local amenities can become proprietorial over the wider public making use of the development's assets (e.g. parks and greenspace) for which they are contributing a service charge. This can lead to the promotion of exclusionary management approaches which restrict access to community infrastructure for the wider community. Other challenges might arise where there are conflicting views about the use of shared amenities (e.g. children using green spaces to play games and other residents preferring pristinely kept lawns).

[6] *Housebuilding market study: Update report and consultation on a market investigation reference.* Competition & Markets Authority, August 2023. p.7.
[7] Ibid

Box 5 continued…

Locked in arrangements

When residents take on ownership of a home, they will sign a 'TP1', which is part of the paperwork to transfer part of a registered title.[8] This paperwork is a legal agreement which contains covenants and details of service or rent charge schedules, and what those charges will be used for. This gives the management company legal powers to collect the charges to service the communal areas. Residents find it hard to change arrangements with management companies once they are in place[9], because this would require agreement from every household, and the practicalities of getting each owner to change this are very challenging, particularly on large developments. On top of this, there tends to be little scrutiny over these charges when properties are sold, which limits choice for residents as the agreements are already set up and locked in.

Undermines whole place stewardship approaches

There is a broader challenge around ManCos which is that the patchwork of different arrangements tends to reflect the way that development is delivered, rather than consider how the 'whole place' will work in the long term. This can lead to different standards of service being achieved across a development depending on the managing agent appointed by differing developers, or, in some instances, residents being charged twice because amenities are not included in the original set up of the ManCo. This means that some residents will end up paying higher service charges indefinitely, just because of the estate plan drawn up by the developer in the first instance.

It is far from the case that the challenges outlined in Box 5 are experienced in all instances where ManCos are used on new developments, but there is evidence that residents have commonly experienced issues of inconsistent service standards and a lack of transparency and control over service charges. Some of these issues are currently due for reform through the Leasehold and Freehold Reform Bill which, at the time of writing, is making its passage through parliament.[10] Whilst ManCos may provide certainty to developers that a management arrangement can be established, and to local authorities that they will not obtain further maintenance 'burdens', these challenges demonstrate that the model can fail to secure affordable and high-quality management of community environs for local residents.

The rise in the use of ManCos has been precipitated by the retreat of local authorities from adopting new infrastructure assets. The solution has been largely driven and devised by the development sector, seeking to secure long term management arrangements, yet often not wishing to take on long term responsibility as this is inconsistent with the short-term development model of many housebuilders.

[8] *Registered titles: part transfer.* HM Land Registry. https://www.gov.uk/government/publications/registered-titles-part-transfer-tp1

[9] *Housebuilding market study: Update report and consultation on a market investigation reference.* Competition & Markets Authority, August 2023, p.32.

[10] For a summary of the provisions in this Bill see the House of Commons Library Research Briefing, 7 December 2023. Available from: https://commonslibrary.parliament.uk/research-briefings/cbp-9915/

Further to this, many places have high ambitions for stewardship and are seeking to secure long term 'whole place' stewardship approaches, which requires more strategic oversight and potential flexibility than the standard ManCo approach currently provides.

There is an ongoing debate about the way that management companies and service charges operate, with the government committed to improving the rights of homeowners on freehold estates[11], and the CMA housebuilding study[12] drawing attention to the issue. The context in which estate management companies operate and are set up may well be subject to change in the coming years.

Regardless of what changes might be made to ManCos in future, it is the case that they have been used extensively in new developments in recent decades, and there is increasing interest in implementing more holistic approaches where these arrangements are already in place, sometimes where multiple models of management exist across a development area.

This presents unique challenges in relation to retrofitting stewardship arrangements, and means local authorities, developers and communities are seeking to unpick complex situations including:

- Dealing with multiple contractual arrangements and contractors,
- Navigating different levels of service provision and standards across large development sites,
- Payment of differing levels of service charges for different purposes, and
- Complex governance structures, often with limited accountability and communication.

[11] *Freehold estates.* Department for Levelling Up, Housing and Communities, November 2023. https://www.gov.uk/guidance/freehold-estates

[12] *Housebuilding market study: Update report and consultation on a market investigation reference.* Competition & Markets Authority, August 2023.

3 Case studies

This chapter looks in more detail at three case studies where the stewardship of community assets has, or is being, changed or 'retrofitted', in places where some level of management arrangements already exist. The case studies were selected to represent different situations that reflect common contexts, and to explore different mechanisms and organisational structures that can be implemented to achieve better outcomes for local residents.

Case study 1 looks at the work of the Chichester Community Development Trust, which has revised the terms of transfer of assets to better benefit the local community. Case study 2 looks at how the Ebbsfleet Garden City Trust are unpicking the existing patchwork of arrangements to achieve a more holistic approach to place management, and case study 3 explores how Southwark Council is changing its approach to the stewardship of community assets to support urban renewal and resident involvement.

Case study 1: Chichester Community Development Trust

A charitable trust managing community assets across multiple development sites, working to secure the best outcomes for local residents.

Chichester Community Development Trust (CDT) was established in 2009 as part of the development of Graylingwell Park, a 34 hectare development site for 750 new homes on the site of the former Graylingwell Hospital in Chichester, West Sussex. The commitment to establish the CDT was considered at the very start of the development concept and was a requirement of the sale of the land to the developer.[13] This was later secured through the Section 106 agreement between Homes England and the developers, Linden Homes and Affinity Sutton. This led to the formation of the Chichester CDT - a registered charity and independent company limited by guarantee - to provide a stewardship body for community assets and community owned land. The CDT also supports community development with residents of the new and nearby communities, and has expanded in recent years to include other development sites including Roussillon Park and Keepers Green.

The original Section 106 agreement allowed for the phased transfer of three community buildings and a community greenspace (along with an endowment) at agreed trigger points in the development, with the first community building planned to transfer to Chichester CDT on completion of 300 homes.[14] The developers made financial contributions to the running of the CDT which reduced as assets were handed over and residents moved in, as each household contributes a £50 annual levy to the CDT.

[13] *About Us.* Chichester Community Development Trust. https://chichestercdt.org.uk/about-us/
[14] Further information on the assets managed by the CDT is detailed in the case study on the TCPA "Stewardship Case Studies" webpage, available from: https://www.tcpa.org.uk/resources/stewardship-case-studies/

Graylingwell Chapel was renovated and is owned by Chichester Community Development Trust. Image source: Chichester CDT.

However, this arrangement presented challenges to the CDT in practice as the unanticipated impact of the recession slowed down build out rates and house sales. This left the CDT in its early stages with a very small income and no physical base to focus community activities. The CDT began its journey by speaking to new residents and the surrounding communities about what they felt the community needed, and running events ‘out of the boot of car.’ They had to be creative to establish the first space for the community to gather, making use of a recycled temporary unit to provide a base for their activities.

Using this temporary space, the CDT opened a nursery, and hosted a range of community activities in the evenings and weekends. This experience taught the CDT that to make the best use of community buildings, the spaces needed to be adaptable for different uses at different times of day.

With this learning, the CDT renegotiated Section 106 provisions to secure better outcomes for the community and reduce the liability and risk for the CDT with two positive outcomes:

1. The CDT delayed the transfer of Graylingwell Chapel, a Grade II listed building. The original agreement required the Chapel to be handed to the CDT as ‘fit for purpose’, but this left space for interpretation and the CDT were concerned about the condition of the building that they would inherit. Instead, the CDT negotiated a £490,000 contribution to the building’s renovation. The CDT was then able to use this investment to lever further grant funding, including £1.3 million from the Heritage Lottery Fund, and managed the building works, ensuring the renovation was designed to accommodate a

range of uses over the long term. This approach led to higher investment and much improved outcomes for the community.

2. A purpose-built community building was due to be transferred, but the CDT was concerned that the building uses would be limited because flats occupied the floor above the proposed community space. The CDT negotiated to instead take ownership of the sales suite, a glass fronted building overlooking the park, which has proved a much more suitable building and provided space for a wellbeing centre, therapy rooms and a café.

In both these instances, the CDT has worked to establish successful community assets and demonstrate their potential, test out activities that work in the space, and later handed over the lease of the properties to community partners or tenants. This model has been adopted by the CDT for the assets it acquired through the developments at Roussillon Park and Keepers Green, and has allowed the CDT free up capacity to identify further gaps in community provision whilst securing ongoing income.

Chichester CDT has not taken ownership or responsibility for the general estate management across the development sites. It was envisaged from the outset that this would not fall under the CDT's responsibilities but instead be undertaken by management companies set up with this explicit purpose. However, residents do engage with the CDT about estate management issues and have reported variable levels of service from the different management companies operating across the sites. This has been compounded in some cases by a high turnover of management staff. At Graylingwell, the management arrangements were fairly straightforward as the management company is owned by the housing association. A continuity of staff has also been beneficial, and the CDT and management company have developed a close working relationship. In the later developments, management companies have changed regularly, and the standard of service has been affected.

Chichester CDT has maintained a clear division between the responsibilities of the CDT in securing and developing assets for the community, and the role of general estate management. This was established from the outset and is communicated to residents through a flow chart of roles and responsibilities. From the perspective of the CDT, taking on responsibility of estate management could lead to a tension between the aims and objectives of a community development organisation and the day-to-day maintenance responsibilities of estate management.

'There's a massive sensitivity between a charity that's been set up to be community focused, community led and owned, and the tensions between…delivering widespread grass cutting, emptying bins and streetlights.'

Interview participant

Their concern is that by taking on estate management responsibilities, the CDT would potentially loose its ability to prioritise resources on meeting what it considers to be the highest area of need in the community. However, they acknowledge that the ManCos have, in some cases, caused challenges for residents.

The CDT's learning from this has been that a different governance model may have better enabled higher standards of maintenance whilst allowing this to remain at arm's length from the CDT. This might mean that the charitable trust owns the public space across the estates but sets up a separate trading company with responsibility for maintenance and management, with any profits reinvested into the CDT. This model reflects emerging practice at new developments such as The Steadings in the Cotswolds,[15] which the Chichester CDT is supporting in an advisory capacity.

Case study 2: Ebbsfleet Garden City Trust

Aligning new and existing stewardship arrangements across a new town

Ebbsfleet is a new 'Garden City' development of up to 15,000 new homes on the south bank of the Thames in North Kent.[16] The development will include a commercial and employment area, local centres, and nine new neighbourhoods, with 40% of the site to be green and blue space. Due to the scale and complexity of the new community, the Ebbsfleet Development Corporation was set up by the government in 2015. Its role was to coordinate and support the delivery of the required infrastructure necessary to accelerate the completion of this significant number of new homes across the multi-phased project, which is coming forward through a complex set of planning permissions. The site also sits across the boundaries of two local planning authorities (Dartford and Gravesham), each with different parish arrangements.

The Development Corporation was set up after many planning permissions had already been granted, Section 106 agreements were in place, and most of the land was owned by developers. Because both local authorities declined to take on additional maintenance responsibilities, the maintenance arrangements were secured through the establishment of multiple management companies funded through resident service charges. Ebbsfleet Garden City already has six established management companies operating across the development, each of which engages a different managing agent who in turn use different contractors to undertake landscape maintenance. The resulting patchwork of arrangements has led to variable standards of estate management and charges across the Garden City.

Ebbsfleet Development Corporation established the Ebbsfleet Garden City Trust (EGCT) in 2021 to deliver a long-term stewardship solution based on a more strategic, whole place approach, influenced by the Garden City Principles. The EGCT also provides a body that can provide long term governance in anticipation of the Development Corporation being wound down in future.[17] The intention is for the Trust to be responsible for the maintenance of the Garden City parks, public open spaces and community facilities and assets, which are secured either through Section 106 agreements, or in some cases transferred from the Ebbsfleet Development Corporation.

One of the key challenges the Trust is grappling with is securing a more consistent approach to estate management across the development, through influencing the establishment of ManCos and intervening in those that are already in operation.

[15] See the Steadings Community Management Trust's "Homepage" webpage, at https://steadingscmt.org.uk/
[16] See the Ebbsfleet Garden City "Homepage" webpage, at https://ebbsfleetgardencity.org.uk/
[17] *Ebbsfleet implementation framework.* Ebbsfleet Development Corporation, 2017.

A risk that the EGCT perceives for the future of the estate is that standards of service may start to fall as the developers exit the site on completion (see Box 5). Whilst the housebuilders are engaged as directors of the ManCos, the professional engagement in their operation means they are likely to run effectively - while developers are on site they 'won't let them fail'.[18] At the point the directorship of the ManCos transfers to residents, there are vulnerabilities to their operation, either because residents are unwilling to take on control of them, or because over time residents wish to step back from the responsibility, meaning that standards of service fall. If the residents do not maintain control over the ManCo, it is likely to be transferred to the managing agent. This arrangement can lead to poor service outcomes and a lack of transparency and accountability, as there is limited opportunity for residents to be involved in their operation.

Ebbsfleet Garden City is a new town development in Kent. Image source: Ebbsfleet Development Corporation.

To reduce this risk, the EGCT is seeking agreement from developers to be offered 'first refusal' of the responsibility for the ManCos in instances where residents do not want to take them on. This would give the Trust directorship of the ManCos, enabling them to have governance control over their operation. Whilst initial responses from developers have been positive, the negotiations are at an early stage and therefore no transfers have taken place as yet. Where the residents have maintained control over the ManCos, the EGCT will provide advice and guidance to residents to help them operate them as effectively as possible, and to navigate any changes they may wish to implement (for example, if they want to change managing agents, which can be a difficult process).

Because of the multiple ManCos in operation, the Trust is having to negotiate with the developers separately. Each ManCo is set up slightly differently. This is influenced by the different sizes of the area they cover, different governance structures, different rates of service

[18] Quote from interview participant.

charges, and different processes in place to change governance arrangements, all reflected in legal agreements set up by the different developers.

To avoid this situation in future, the EGCT has worked with developers and the local authorities to secure an arrangement through Section 106 agreements where the Trust would be offered governance control of ManCos on development completion.

In practice, if the Trust takes over governance of the ManCos, there may be a need to set up a Community Interest Company (CIC) as an umbrella organisation. This would allow a defined role and scope overseeing the estate management functions, slightly separate from the Trust. The ManCos would then become subsidiaries to the CIC or umbrella organisation, so that service charges are ringfenced within the operation of that company. The benefit is that with the subsidiary ManCos under the governance of the Trust, the standards of service will be more consistent and reflect the charitable stewardship objectives of the organisation. Over time, economies of scale will be reached which will increase efficiency, meaning a higher standard of care should be achievable for the same cost.

Case study 3: Southwark Council Great Estates Programme

A local authority-wide approach to embedding greenspace stewardship in existing housing estates

Southwark is an inner London Borough and is the capital's largest local authority landlord,[19] with responsibility for 55,000 homes and 240 council housing estates. In 2018, Southwark Council made a corporate commitment to improve conditions on Southwark's large council housing estates to create places that are celebrated, clean, safe and cared for. To achieve this aim, seven estates were chosen to be pilots of the Great Estates Programme.

A small team of officers worked on these estates to engage with residents, identify priorities for improving the estate environment, and work with the community to design and implement improvements. These have been captured in a co-produced Estate Improvement Plan for each pilot area. Whilst some of the priorities for the estates were similar (such as street scene, waste management, play areas and gardening and growing), the programme allowed for targeted interventions designed to address key issues at each estate.

This has led to innovations such as QR code activated bin collections, ambient lighting solutions that improve safety without causing pollution, and children's play areas that incorporate space to grow food and social space for the wider community.

Opportunities to garden and grow food on the estates' green spaces have proved very popular, with 190 new growing plots created through the scheme. To enable this, the Council developed an Allotment Expansion Guarantee, which allows groups of residents to take on suitable sites for food growing, whilst committing to maintain the space to a good standard. To support residents to take on responsibility for these spaces, gardeners were employed to deliver training and upskill gardening clubs and build in sustainability.

[19] "Why We're Building". Webpage. Southwark Council, 2022. https://www.southwark.gov.uk/housing/new-council-homes/why-we-re-building

Community food growing part of Southwark's Great Estates Programme. Image source: Southwark Council

The programme has had to overcome some challenges. Many of the estates date from the mid-twentieth century (1930s-1960s), and so the original design and infrastructure does not easily meet today's needs. There is, for example, a lack of space for recycling and bike storage.

The project team also found that the established relationship between the Council and residents took time to reset. There was mistrust at first about whether agreed improvements would be delivered, and in some instances a culture of reliance on the Council to provide solutions. It took time both to encourage residents to share their ideas and participate in the improvement of the estates, and also to encourage some Council departments to change the way they worked with residents and try new approaches. This was important as the project was seeking to 'give the communities the tools, the confidence and the faith to actually do (things) by themselves.'[20]

The project has so far been funded by Southwark Council. For the first three years a budget of nearly £1 million a year was allocated. The funding has been reduced by around two thirds and the Council is working towards a fully funded, self-sustaining programme, with the current allocation being used as start-up funding. The team is committed to extracting social value monies by actively exploring opportunities through major works procurement and building relationships with local businesses to support initiatives on the estates.

[20] Quote from case study interview participant.

4 Key themes and recommendations

This chapter draws on common themes that emerge from the three case studies and considers the lessons that can inform practice and highlight key considerations for securing long term stewardship. They are set in the context of the approach to developing a long-term stewardship strategy set out in the TCPA Guide: *Making Stewardship Happen – A Process Guide for Councils*,[21] which identifies seven stages to achieving a successful stewardship approach:

1. Understanding your ambition and project status
2. Taking stock of project details and opportunity
3. Testing options
4. Financial analysis and legal clarification
5. Securing through planning
6. Implementation
7. Monitoring and review.

These stages are intended to be useful to the design and delivery of stewardship approaches regardless of the status or stage of a project, and they are referenced below where recommendations relate to one of the seven stages. We recommend reading this guidance alongside the section below, which is specifically about retrofitting existing arrangements in order to achieve improved stewardship outcomes.

Aligning a patchwork of approaches

Where existing stewardship arrangements are in place, there are likely to be a range of management arrangements, service charges and service standards. There is also likely to be a variety of agents and organisations involved, including the local community, particularly where responsibility has been transferred to them. The stewardship bodies identified in the case studies are themselves playing a variety of roles and functions.

Recommendations:

- When understanding your ambition and project status (stage 1), try to determine what role you want the stewardship body to play – for example, community development, delivery of services, or both.
- When developing a strategy for long-term stewardship, ensure all agencies already involved in stewardship on the site are mapped, even where they are sub-contracted. Include a schedule of their stewardship arrangements when you are 'taking stock of project details and opportunity' (stage 2).
- Consider including representatives of these agencies and the develop in your stewardship working group or conversations about stewardship approaches.
- Consider the option of an 'umbrella organisation', such as the one being explored in Ebbsfleet, when identifying and assessing options for your stewardship body (stage 3).
- Ensure clear communication between different agencies (see below).

[21] *Making stewardship happen: a process guide for Councils.* TCPA, May 2023. https://www.tcpa.org.uk/making-stewardship-happen-a-process-guide-for-councils

Organisational infrastructure

In Ebbsfleet and Chichester, charitable trusts have been instrumental in securing long term stewardship, but this has been contingent on investing in organisational infrastructure and allowing time to go through this process. The trusts have also investigated models whereby other subsidiary organisations, or separate companies, deliver services under a framework established by the trust. This requires understanding how assets are used, who they serve, and understanding of governance options. In Southwark the experience has been less about structural change of an organisation but cultural change, working to change the approach of the Council in understanding the needs of estate management to more closely align with residents' priorities has required engagement across council departments. Getting this right requires stewardship organisations to gain skills and knowledge to engage in what can be complex and legalistic processes, and having the financial resources to secure specialist advice and guidance when required.

Recommendations:

- When considering management structures for community assets, build in enough flexibility so these can adapt to future changes and priorities.
- Recognise that it takes time and resources to develop the right organisational infrastructure and account for this in phasing (stage 3).
- For stewardship arrangements across a whole authority, it is important to ensure engagement across council departments. This can be embedded in stage 1 -understanding your ambition and project status.

Communication and community engagement

A key theme in all the case studies is the engagement and participation of communities in the stewardship of place. In Southwark, the Council is seeking to empower local residents to take a more active role in decision making and undertaking practical activity to contribute to the management and maintenance of their estates. This required significant investment in resources for community engagement to build trust and reach residents that did not engage in traditional community forums. The relationship between the Council as landlord for the estates and residents seeking solutions to problems needed to fundamentally shift for the Great Estates Programme to develop. Southwark Council also needed to navigate a balance between empowering residents to take a more active role in their estate, and ensuring that upkeep would be maintained to a high standard. The Allotment Expansion Guarantee provides a useful template for satisfying the requirements of the Council whilst allowing a more permissive approach to resident involvement.

The experience in Ebbsfleet has been to shift the balance towards a governance model that provides opportunities for residents to have a say and influence the stewardship of their neighbourhood but does not rely on them to take on management and legal responsibilities, as is usually required when management companies are transferred from developer to resident control.

Investment in community engagement is central to work of the Chichester Development Trust, ensuring the activities of the Trust respond to the changing needs of the local community. Chichester CDT and Southwark Borough have both experimented with their approaches to community engagement, giving time to test what works and how communities want to use different spaces.

The local community supports successful place stewardship in Castle Park, Cornwall. Image credit: Building with Nature.

Recommendations:

- Adapting stewardship arrangements where possible provides an opportunity to ensure communities have a say in where they live – engage with communities to establish the role and influence they are seeking, and secure this as a central element of the governance model (stage 3).
- Ensure that stewardship activities are transparent and accountable, and there are clear opportunities for residents to communicate and engage with management organisations. Consider the use of template agreements between residents and stewardship bodies to encourage resident involvement and set expectations for maintenance.
- Having a physical presence in the development is important for community engagement from the outset. In new development sites, it may be possible to gain commitment to early provision of a community space, or modify agreements to bring this forward, for example through a 'meanwhile' use of another building (stage 5).

Building trust and maintaining relationships with stakeholders

In the Ebbsfleet and Chichester case studies, building long term relationships with developers and the local authorities has been instrumental to secure positive changes for the communities. Building trust will create more fruitful outcomes, and over time the benefits of new arrangements can be demonstrated. Building relationships with developers for the 'long haul' also means opportunities to secure better arrangements in later phases of development can be secured, even if these were not possible in early stages.

In the Southwark example, it was important that a portfolio of interventions was agreed with the community, and those that could be achieved quickly (the 'quick wins') were actioned rapidly. This helped build community trust in the project and demonstrate that action to improve the estate was a priority of the Great Estates Programme.

Recommendations:

- Building trust takes time and resources. Ensure resources for communications are considered up front and through stage 4 (detailed analysis and financial input).

- Consider a range of tools, approaches, events and interventions to engage different audiences.
- Build in time for trying different approaches to communication on stewardship.
- Consider if agreed priorities can be delivered quickly to help build trust with communities.

Renegotiate to secure better outcomes
In an ideal situation, Section 106 agreements will be carefully negotiated to secure clear phasing and handover of community assets, partnership delivery and require ongoing engagement with stewardship bodies in the design of community spaces. This does not always happen in practice, and if there is a strong case for doing so, and the opportunity arises, it may be beneficial to renegotiate Section 106 agreements to secure the best outcomes for the local community. It is possible to vary Section 106 agreements at any point in the development, but variations must be agreed with all relevant parties including the developers and the planning authority.

It is often agreed in Section 106 agreements to transfer community assets as 'fit for purpose', but developers themselves are not always best placed to understand what this means for communities, and unlikely to have the same notion of the end purpose as local residents. Developers may be more inclined to prioritise short term functionality of an asset rather than long term operational considerations, which may influence decisions on many design aspects including energy efficiency, security, access and longevity of materials. Ideally, Section 106 agreements would require the sign off for the design of assets from the local authority *and* the end owner. In Chichester, the Development Trust had success in renegotiating the Section 106 agreement to transfer the asset with a commuted sum, giving the Trust full control over the design of the space.

Recommendations:

- Invest time in getting to understand the detail of planning agreements between developers and local authorities, to understand how things should be operating in practice, and if there are opportunities to make changes (stage 5).
- Setting strong Local Plan policy on stewardship means that Section 106 agreements are less likely to require renegotiation, because developers have been able to undertake viability and other assessments knowing what stewardship standards the local authority requires.

Operational roles and responsibilities
The case studies revealed an interesting area of consideration in relation to the appropriate roles and responsibilities of stewardship bodies. Broadly speaking, the functions can be separated into two categories: assets that are designed to improve quality of life for the wider community (such as parks and green spaces, leisure facilities and community centres and services), and assets that provide very localised benefits within a new development, and therefore predominantly benefit residents of the new communities (such as estate greenery, planting and local play areas).

In the Chichester case, the stewardship body viewed the management of these two different types of assets as requiring separate management approaches. The risk of taking on more 'estate management' functions risks undermining the core objectives of the Community Development Trust, as attention and resource may be disproportionately focused on meeting the needs and expectations of residents of the new development, rather than the wider community.

An effective governance model would facilitate these two different outcomes, whilst also enabling a 'whole place' stewardship approach, which benefits from all assets being managed under a single framework and strategy.

Learning from the Chichester and Ebbsfleet case studies points to a solution that is being considered in new developments such as the emerging stewardship and governance strategy for the Gilston Area, part of the Harlow and Gilston Garden Town. The Gilston Area is a 10,000 home development being taken forward by developers including Places for People and Taylor Wimpey in East Hertfordshire. Within this area, Places for People has secured planning permission for The Gilston Park Estate, comprising six villages and a total of 8,500 homes. The proposed governance model for the Gilston Park Estate establishes an overarching Management Trust, ensuring one entity has responsibility for stewardship and asset ownership. However, non-charitable activities (predominantly the estate management functions) will be undertaken by a wholly owned subsidiary company. This means that day to estate management and service charge collection can be separated from the charitable aims of the Trust.[22] Arrangements on the site are still evolving, as the Section 106 for the site is still being finalised, and East Hertfordshire Council recently consulted on a Stewardship Charter for the whole of the Harlow and Gilston Garden Town.[23]

The role and approach of local authorities is also a key enabler both in the context of new development sites and where whole authority approaches are under review. Local planning authorities are essential to ensuring the stewardship commitments made by developers are delivered. In Southwark, one of the biggest challenges to overcome was the culture within the Council needing to change to support a more permissive approach for local residents to take action on their estates. Whilst this was challenging, the presence of a clear overarching corporate objective in support of the project approach helped secure the buy in and change needed.

Recommendations:

- Ensure clarity on the ambition and functions of stewardship bodies, and the scope of responsibility in relation to manging localised and strategic stewardship (stage 4).
- Where responsibilities and functions are split across different bodies, be clear and transparent about the structure.
- When changing stewardship arrangements to improve the outcomes of a specific management operation, consider how this relates and contributes to a wider stewardship strategy.
- Local planning authorities must remain proactively engaged through the lifespan of developments, particularly in post-consent stages, to ensure that Section 106 and other stewardship commitments are delivered (stage 6).
- Local authorities should demonstrate corporate commitment to long term stewardship to support efforts to improve outcomes.

[22] *Gilston Area Stewardship and Governance Strategy.* Places for People, November 2022.
[23] See Harlow and Gilston Garden Town's 'Stewardship Consultation Now Live' webpage https://hggt.co.uk/stewardship-consultation-now-live

5 Conclusions and next steps

This report has highlighted the opportunity to retrospectively apply holistic stewardship arrangements to places where existing models are not achieving ideal outcomes. It has also identified the many and varied changes in trying to make this happen. Whilst the case studies seek to address the specific context of 'retrofitting stewardship', much of the learning drawn applies beyond this specific context, and the recommendations are relevant to all stages of making stewardship happen.[24]

The difficulty of disentangling complex stewardship arrangements identified through the case studies supports the TCPA's position that the best approach is to give early consideration to the long-term strategy for place stewardship. Other key principles from the TCPA's existing guidance on stewardship are also amplified by the findings in this report. One of these is that the importance of the governance model and getting the right institutional infrastructure in place is key to success. Another is that stewardship is an ongoing and evolving process, not a fixed moment in time. The case studies demonstrate that changes can be made throughout the stages of development to secure the best outcomes for communities, but only where communities, developers and authorities work together in the process.

Learning from places such as Ebbsfleet, pictured, will help other local authorities seeking to improve existing stewardship models. Image source: Ebbsfleet Development Corporation.

Because the Management Company model has been used as common practice for some years, it is likely that the challenges highlighted in this report will continue to come to light, and the need to retrofit arrangements in recent development will continue. Lessons and recommendations drawn from the Chichester and Ebbsfleet case studies should provide helpful

[24] As identified in the TCPA toolkit. Available here: https://www.tcpa.org.uk/making-stewardship-happen-a-process-guide-for-councils

guidance. Whilst there is no ‘one size fits all’ solution, the emerging lessons point to the benefits of aligning stewardship arrangements through an umbrella organisation.

In longer established communities, such as in Southwark’s post-war housing estates, there is real opportunity to harness multiple benefits of community assets and shared infrastructure for communities, such as food growing, recreation space, better services, and space for play and socialising. In Southwark this was achieved through changing not just the approach, but also the attitude, to place management. Councils remain hesitant to take on additional maintenance responsibilities due to financial constraints, but the Southwark example demonstrates that the role of the local authority is important but can be changed from one of service provider or contractor, towards an enabling role that focuses on communities taking on more ownership and agency in the stewardship of place.

As interest in ‘retrofitting’ stewardship arrangements is likely to increase, so will the number of places and emerging lessons for other places seeking high standards of long-term stewardship in their developments. The TCPA is committed to continuing to explore and share these emerging lessons via our online toolkit. The TCPA will also continue to monitor processes such as the investigation of the Competition and Markets Authority, which may result in raising standards of management in the future. Emerging requirements, for example Biodiversity Net Gain, will also have implications for stewardship, something the TCPA is engaging with Natural England on with a view to sharing emerging lessons. In the meantime, we encourage ambitious councils, developers and communities to explore opportunities to embed and enhance long-term stewardship arrangements for their sites. We hope this report and our wider guidance provides some support in doing so.