

Report for the Joint Manydown Committee

01 April 2009

Proposed Changes to the Joint Development Partnership Agreement Between Basingstoke & Deane Borough Council and Hampshire County Council

Status: Open matter for information and decision

Report Authors: Andrew Smith, Chief Executive Hampshire County Council
Tony Curtis, Chief Executive Basingstoke and Deane Borough Council
Contacts: Ian Parker, Chief Executives Department, Hampshire County Council
Helen Harbour, Head of Property and Facilities Management, Basingstoke and Deane Borough Council

Summary

This report:

1. Considers the positions of the Basingstoke and Deane Borough Council (B&DBC) and Hampshire County Council (HCC), as landowners in respect of their joint property interests in the Manydown land and
2. Proposes changes to the Joint Development Partnership Agreement which was entered into by the two Councils at the time of the acquisition of their ownership interests in the Manydown land in February 1996.

Background

The ownership interests in approximately 820 hectares of land at Manydown have been managed since acquisition by the Joint Members Committee established on 06 June 1996.

A 999 year lease of the land was acquired after it had been offered for sale following its inclusion under Policy MDA4 of the Hampshire County Structure Plan (Review) document. This Policy related to the proposal for a Major Development Area (MDA) to provide 4,500 dwellings, employment and other facilities to the west of Basingstoke within the period 2001-2011.

However, since acquisition there have been significant changes to Strategic and Local Planning Policies affecting the land, notably as a result of the outcome of the Structure Plan Examination in Public, the adopted Local Plan and the new Development Plan regime introduced by the Planning and Compulsory Purchase Act 2004.

The Examination in Public of the proposed County Structure Plan led to the removal of the site specific allocation of the MDA from the Structure Plan and left its form and location to be determined in the B&DBC Local Plan.

The land was promoted for development by the two Councils in their landholding capacities, post 2011, through the B&DBC Local Plan Review and included in the Deposit Draft of the Local Plan for development in the 2011-2016 period. The Inspector's Report of the Local Public Inquiry, published in November 2005, was supportive of the principle of Manydown as a long term sustainable western urban extension, but it also identified concerns with the proposal. These were in relation to sewerage capacity, landscape impact, nature of the proposed link road, lack of clarity re delivery mechanisms for the infrastructure, and that a more comprehensive development may be necessary to enable a planned and sustainable development. The Inspector also recommended that the Local Plan Review period be terminated at 2011 thereby excluding any development allocation for Manydown in the period to 2016. B&DBC, as Local Planning Authority, accepted the Inspector's recommendation and the modified Local Plan was adopted.

B&DBC, as Local Planning Authority, is now preparing its first Local Development Framework for the 2011-2026 period.

Land Owner Strategy Decisions

In the light of the outcome of the Local Plan Review, in July 2006 B&DBC, as landowner, suspended its involvement in the active promotion of Manydown for development, "for the time being, pending, inter alia, the outcome of the work on major infrastructure" which was to be undertaken.

In November 2006, the Joint Manydown Committee agreed that the two Authorities enter into a Deed of Variation to the 'Joint Development Partnership Agreement in respect of the Manydown Land' (JDPML) dated 20 February 1996, which provided for the Borough Council's "time out" and for:

- a new generic name for the Joint Authority Body of – 'Joint Manydown Committee' (JMC)
- the County Council to continue with promoting Manydown for high quality sustainable development, at its own cost subject to its ability to recover those costs (plus interest) as an 'allowable' expense under the terms of the Lease with the Manydown Trustees, on any eventual sales of the Manydown land for development purposes and
- a review in Summer 2008 of the Committee's Roles and Responsibilities in light of the:
 - published South East Plan
 - Local Planning Authority's progress in preparing its Local Development Framework – Core Strategy and Site Allocations document – and
 - the outcome of the Local Planning Authority's investigations into major infrastructure issues.

This Deed of Variation was not completed formally. However B&DBC did proceed with its landowner "time out", its Local Planning Authority investigations into infrastructure and preparation processes for the Local Development Framework and HCC continued its promotional activities.

Summer 2008 had been recommended as a Review Date for land owner strategy to tie in with what was understood, in Autumn 2006, to be the timescales for the variety of planning work then underway. However, the timing assumptions made in 2006 have proved to be incorrect and the review of Summer 2008 was deferred because the contextual information required was not available.

Items influencing the Review of the Joint Committee's Roles and Responsibilities

From the point of view of the two Councils as landowners, the current position of the Planning and Transportation Authorities on each of the items influencing the Review is described below:

South East Plan

This has still to be finalised. The housing figures provided within the latest draft (the Secretary of State's published Proposed Changes of July 2008) indicate that B&DBC should be planning for 945 dwellings per year over the period to 2026. This compares to B&DBC's stance that this figure is not appropriate and that instead it should plan for a net average of 740 dwellings per year up to 2026 (as formalised at a meeting of the Full B&DBC in October 2008 and as put into the B&DBC formal response to the Secretary of States proposed changes). The required figure will be confirmed when the final Plan is published. Currently the Government Office for the South East is saying that this Plan will be adopted in 'Spring' 2009, which would need to be before 23 April, due to the planned Local Government and European elections.

Major Infrastructure – Investigations Into The Water Cycle Study

B&DBC, as Local Planning Authority (The LPA) is working with the three local water companies, the Environment Agency, HCC (from a County wide environment and spatial strategy perspective) and Natural England to consider this issue, in conjunction with appointed consultants. Specific attention is being paid to waste water disposal (sewerage) and its impact on water quality, there being an identified need to better understand the relationship between development and the water environment, by examining the potential impacts of future growth on three main aspects of the water cycle - water resources (supply and demand), water quality (sewerage, wastewater, and treatment systems), and flood risk. This work continues.

Major Infrastructure – Transport Assessment

The LPA is working with HCC (as the authority with responsibility for local highways and passenger transport) and the Highways Agency to assess the ability of the transport network to accommodate development and determine the most sustainable locations for development, including looking at the impacts of further development on the strategic highway network. This work also continues.

The Local Development Framework Process

The Core Strategy document will now deal with the allocation of land for strategic site(s) for residential development, which was previously to be considered within a separate Development Plan Document on 'Allocations'. The LPA is currently working on a Vision and Key Objectives for the Core Strategy before moving onto consider Strategic Spatial Distribution. It is currently understood that there will be Public Consultation on the Core Strategy 'Preferred Approach' towards the end of 2009, and that the LPA is working towards adoption of the Core Strategy towards the end of 2011. As part of this work the LPA has prepared, utilising external consultants, a Draft Strategic Housing Land Availability Assessment (SHLAA), which included the land at Manydown and was the subject of public consultation during September / October 2008. The recommendation of the Consultants in preparing the Technical Assessment of the Draft SHLAA was that the Manydown land (referred to as the West of Basingstoke MDA) *"should be considered further through the LDF process."*

Hampshire County Council and Basingstoke and Deane Borough Council Landholding Policies

On 29 January 2009, the County Council's Executive Member for Policy & Resources considered a report on the County Council's Strategic Landholdings including those in the Basingstoke area and approved proposals for the targeted promotion of the County Council's landholding interests through the development planning system.

In relation to its landholding interests in the Basingstoke area, the proposals contained within the Draft SHLAA and other County Council's priorities, the Executive Member for Policy & Resources approved that a longer term strategic approach should be taken by the County Council as landowner to the promotion of its landholding interests in the land at Manydown including re-examination of the transport connections to the west of Basingstoke. Approval was given for technical investigations to continue on a town-wide basis, notably into the transport and infrastructure requirements of any development and that the Manydown land should not be actively promoted further through the Borough Council's preparation of its first Local Development Framework.

As the LPA's work on major infrastructure continues any active promotional activity by B&DBC as landowner remains suspended. The HCC Decision to also suspend active promotion for the time being is now consistent with the B&DBC Decision of July 2006.

Proposed Changes to the Joint Management Arrangements of the Manydown Land

In light of the changes in the two Council's policies since completion of the original Joint Development Partnership Agreement it is proposed that the two Authorities enter into a Deed of Variation to the Agreement which:

- covers the November 2006 decision of B&DBC taking 'time out', from that date, whilst HCC continued promoting Manydown for high quality sustainable development until January 2009
- provides for the change in Committee name to the 'Joint Manydown Committee' (agreed in November 2006) and for the Committee to meet on a six monthly basis and dispenses with the requirement for the JMC to hold a specific Budget Setting meeting
- provides that from January 2009 until a New Review Date, neither the Borough nor the County Council will actively promote Manydown for high quality sustainable development through the preparation of the Borough's first Local Development Framework
- specifies a New Review Date of 01 September 2011
- sets out that this Review will be undertaken in the context of :
 - Regional planning guidance
 - Completion of and adoption of the Borough Council's Local Development Framework
 - The completion of transportation and infrastructure studies
 - Development of transportation proposals in response to the designation of Basingstoke as a Growth Point, Regional Hub, and Diamond for Growth
 - Prudent management of the individual Council's assets within their wider corporate objectives

- provides for a new Long Stop Date of 1 April 2020. This is in place of the current Long Stop Date of 31 March 2011. The purpose of the Long Stop Date is to enable the Councils to complete a comprehensive review of the Partnership with a view to terminating or continuing the Agreement taking account of whether or not the property is allocated for development and whether the purposes for which the Property was purchased can be carried out.
- Acknowledges that during the period 3 November 2006 to 29 January 2009 the County Council has, at its own cost, promoted Manydown for development through the South East Plan and Borough LDF processes and, in preparation for development, has carried out land surveys, for which it has incurred a cost of £57,846 (the final figure to be audited by the Borough Council), and that these costs are (as far as is reasonably possible under the terms of the Manydown Agreement):
 - fully recoverable by HCC on final disposal of the land and distribution of the sale proceeds between the two Councils
 - to be claimed, by B&DBC, as “allowable expenses” under the terms of its Lease with the Manydown Trustees (which will require the agreement of the Trustees) in calculating the proportion of sale proceeds to be paid to the Trustees

It has also been agreed by the HCC Executive Member for Policy & Resources that HCC continues to recognise as landowner that Manydown retains the long term development potential for which it was acquired under an agreement between the two Councils. As a consequence, the County Council will continue technical investigations on a town-wide basis and notably into the transportation and infrastructure requirement of its strategic landholdings in the Basingstoke area. The outcome of these investigations and those of the Local Planning Authority will inform the County Council’s responses to the first and subsequent reviews of Local Development Framework.

It is proposed that the officers of the two Councils inform both the Manydown Trustees and adjoining landowners in the Worting area of the revised changes to the promotion of the Manydown land.

Recommendations

It is recommended that:

1. It is recommended for the period to 02 September 2011 that:

The Joint Manydown Committee recommends both Parent Councils to approve:

- (i) the completion of a Deed of Variation to the Joint Development Partnership Agreement in respect of the Manydown land and
- (ii) the entering into of the Deed of Variation which is to include the carrying out of a further Review of the Agreement at 01 September 2011.