

**CABINET
6 DECEMBER 2022**

LAND AT FAVERDALE – BURTREE GARDEN VILLAGE DEVELOPMENT

**Responsible Cabinet Member -
Councillor Jamie Bartch, Economy Portfolio
Councillor Scott Durham, Resources Portfolio**

**Responsible Director -
Ian Williams, Chief Executive**

SUMMARY REPORT

Purpose of the Report

1. To seek Cabinet approval to negotiate the necessary approvals and agreements required to facilitate the next stage of the delivery of the Burtree Garden Village.

Summary

2. At the time of writing this report Homes England are preparing the submission of a hybrid planning application for the delivery of phase 1 of the proposed Burtree Garden Village development. The hybrid planning application, which includes circa 35 acres of Council owned land at High Faverdale Farm will be detailed for the spine/link road and outline for the remainder of Phase 1, as shown on the plan attached at **Appendix 1 (Note that the Council's land shown Cell CH is excluded from the planning application and the Spine/Link Road is marked AB on the plan)**.
3. Not all the information is available for the application at the time of writing this report and there is work being undertaken by Homes England on viability, Section 106, and Nutrient Neutrality for example. Therefore, the financial and development position, as far as the Council's land is affected, is subject to clarification.
4. However, the fallback position for the Council is that before granting access onto the Council's land to build the road and the enabling infrastructure, terms will need to be agreed for an Infrastructure Development Agreement and these will be reported back to Cabinet for consideration.
5. The Council is endeavouring to agree a high-level Promoter Agreement with Homes England to agree the principles of the planning application.
6. There are also independent proposals for a temporary Construction and Skills Hub on the Council's land, at cell CH and a separate report has been prepared for Members to consider.

Recommendations

7. It is recommended that: -
- (a) Homes England's proposal to submit a hybrid planning application for Phase I of Burtree Garden Village to include Council owned land at High Faverdale Farm be noted.
 - (b) Delegated Authority is granted to the Assistant Director of Economic Growth in consultation with respective portfolio holders, to negotiate and agree the necessary approvals and agreements required to facilitate the work covered by this report.
 - (c) The Assistant Director Law and Governance is authorised to complete any associated legal agreements.

Reasons

8. The recommendations are supported by the following reasons: -
- (a) To promote new development and Economic Growth;
 - (b) To establish the Council's position as landowner of part of the development site and to enable the necessary degree of control to benefit from a share of any capital receipt made from the development.

Ian Williams
Chief Executive

Background Papers

No background papers were used in the preparation of this report.

Guy Metcalfe : Extension 6725

S17 Crime and Disorder	The report has no implications for crime and disorder
Health and Wellbeing	The report has no implications for health and well being
Carbon Impact and Climate Change	There is potential for any new Building to be easily accessible by sustainable transport modes which will help ensure the carbon footprint of the development is acceptable.
Diversity	No implications
Wards Affected	Brinkburn and Faverdale
Groups Affected	All
Budget and Policy Framework	The resolutions in this report are not likely to result in changes to the budget framework.
Key Decision	This is not a Key Decision
Urgent Decision	This is not an Urgent Decision

Council Plan	Growing Darlington’s Economy by delivering more homes
Efficiency	The workload resulting from the recommendations in this report assumes resources at existing levels.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

Information and Analysis

9. At the meeting of Cabinet on 11 July 2019, the Council’s land amounting to approximately 27 Ha (67 acres) was declared surplus to requirements and delegated authority was obtained to enter into an Equalisation Agreement on terms and conditions to be agreed.
10. However, since the meeting of Cabinet there have been some changes in that Homes England are now working via a collaborative agreement with developer Hellens Group to help fund land acquisitions and provide and fund strategic infrastructure into the site, including access over Council owned land.
11. Homes England and the Council have entered a Memorandum of Understanding confirming the Council’s intention to grant Homes England access over Council owned land to help facilitate the Burtree Garden Village. Previously access from the Council’s land was the only access available to facilitate development of the site and this was a Planning and Highways requirement too. However, it is now proposed that Homes England fund the construction of a Link Road from Rotary Way in the south of the site to Burtree Lane in the north to access the site for development, as shown route A to B on the plan attached at **Appendix 1**.
12. Since the last report to Cabinet in July 2019, the site has been granted Garden Village Status and is an allocated site within Darlington’s Local Plan. Homes England are now working in collaboration with the Council and Hellens Group to accelerate delivery of housing.
13. The Master planning Visioning Document, provided for a mixed-use site of circa 2,000 homes and circa 200,000 sq. metres of employment space. The phase 1 proposals were for circa 700 dwellings and mixed uses to include retail, school, community facilities, employment, and office space. Details to be confirmed once the planning application has been finalised.
14. From a landowner’s viewpoint, the Council considers the land in the Council’s ownership is critical to bringing the development forward.

Financial Implications

15. As things stand the Council has signed up to a Memorandum of Understanding with Homes England but is not legally obligated to meet any costs. If the scheme proceeds beyond planning, the Council will then need to decide whether to enter a contract with

Homes England to permit them to construct the link road and infrastructure over Council land which will open up our land for development by a future Council Joint Venture. At that point we will then have a full breakdown of all the costs which we would then report to Cabinet for consideration.

Procurement Implications

16. All procurement activity will be undertaken in accordance with the Council's Contract Procedure Rules and the Public Contracts Regulations 2015.