

**CABINET**  
**4 MARCH 2025**

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**LAND AT FAVERDALE – BURTREE GARDEN VILLAGE**  
**PROPOSED INFRASTRUCTURE DEVELOPMENT AGREEMENT (IDA)**

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**Responsible Cabinet Member -**  
**Councillor McEwan, Economy Portfolio**  
**Councillor Mandy Porter, Resources Portfolio**

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

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**SUMMARY REPORT**

**Purpose of the Report**

1. To seek approval to enter into an Infrastructure Development Agreement (IDA) with Homes England.

**Summary**

2. At the meeting of Cabinet in March 2020, approval was obtained to sign a Memorandum of Understanding to grant an option or access rights to Homes England for the construction and adoption of a spine road over the Council's land and provision of strategic infrastructure as shown at **Appendix 1**, to facilitate the Burtree Garden Village Masterplan proposals.
3. A hybrid planning application was submitted by Homes England for Phase 1 of the Burtree Garden Village and has subsequently been approved by the Council's Planning Committee. The application consisted of a detailed application for the main roads and infrastructure and outline for the housing development cells. This application includes Council land as shown on the plan Cells L, M, N and O. Homes by ESH Ltd, the Council's Joint Venture partner is currently working up proposals to submit a reserved matter planning application and a further report to Cabinet will be submitted seeking approval for Homes by Esh Ltd to build the homes.
4. Heads of Terms, for the IDA have been agreed in principle with Homes England and are outlined in **Appendix 2, Part III report**.
5. Further Council land, to the east of the Spine Road known as cell CH will be opened up for development and feasibility works are ongoing.

## **Recommendations**

6. It is recommended that: -
- (a) Members agree to the Council entering into the IDA with Homes England in line with the terms set out in Appendix 2 Part III report.
  - (b) Delegated Authority is given to the Chief Executive and Executive Director Economy and Public Protection in consultation with respective portfolio holders, to negotiate the IDA substantively in line with the terms set out in Appendix 2 Part III report, together with any other approvals and agreements required to facilitate the work covered by this report, and
  - (c) The Assistant Director Law and Governance be authorised to document and complete the IDA accordingly.

## **Reasons**

7. The recommendations are supported by the following reasons: -
- (a) To promote new development and Economic Growth on Burtree Garden Village.
  - (b) The provision of roads and strategic infrastructure should allow the Council to bring forward its land for residential development.

**Ian Williams**  
**Chief Executive**

## **Background Papers**

- (i) Land at Faverdale/Burtree Garden Village Cell CH Feasibility Works - Cabinet 16/7/24
- (ii) Land at Faverdale/Burtree Garden Village Feasibility Works - Cabinet 5/10/21

Guy Metcalfe: Extension 6725

Council Plan	It is proposed that through the planning process, new affordable and secure homes that meet the current and future needs of residents would be provided. Local Environment – it is envisaged the proposed development and Garden Village would support a clean and sustainable borough
Addressing inequalities	None
Tackling Climate Change	It is proposed the development would be accessible by sustainable transport modes which would help ensure the carbon footprint of the development is acceptable. The new development would be compliant with the latest Building Regulations to promote energy efficiency of the properties.
Efficient and effective use of resources	The workload resulting from the recommendations assumes staffing resources at existing levels, i.e. staff that have left are replaced.
Health and Wellbeing	The report has no implications for health and wellbeing.
S17 Crime and Disorder	The report has no implications for crime and disorder.
Wards Affected	Brinkburn and Faverdale
Groups Affected	All
Budget and Policy Framework	Budget assumptions are detailed in Part 111 of this report.
Key Decision	No
Urgent Decision	No
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

8. The Burtree Garden Village Master planning Visioning Document currently provides for a mixed-use site of circa 2,000 homes and circa 200,000 sq. metres of employment space. The first phase proposals are for circa 750 dwellings and currently includes mixed uses to include retail, school, community facilities, employment, and office space.
9. It is proposed that the Council and Homes England enter into an Infrastructure Development Agreement on the terms and conditions detailed in **Appendix 2** attached and to be considered in Part III of the report. This would allow Homes England to enter onto the Council's land and build a new Spine Road from Rotary Way up to Burtree Lane together with the strategic infrastructure to include SUDS, a pumping station, and services to enable the Phase 1 land to be brought forward for development.

10. Timing of the proposed infrastructure works are important, as this allows the Council to bring forward land in our ownership for development once the works by Homes England are completed. Homes by Esh Ltd, the Council's Joint Venture partner are currently undertaking feasibility work and preparing a reserved matters planning application for Cells L, M and O and a report will be submitted to Cabinet on the proposed disposal terms for consideration by Members.
11. The Council owns land to the east of the new Spine Road, which will be opened up for development by the proposed infrastructure works. This site, referred to as cell CH is outside of the Phase 1 planning application and Homes by Esh Ltd are working up proposals to bring this land forward for residential development and a report will be submitted to Cabinet on completion.

### **Financial Implications**

12. Homes England requires a financial contribution from the Council towards the infrastructure works. Details of the principal heads of terms agreed are provided in Appendix 2, Part III report. It is proposed that the costs would be recovered by future capital receipts and forward funded by the Council's Investment Fund.

### **Legal Implications**

13. Cabinet approval to the proposed Infrastructure Development Agreement is sought on the basis terms agreed are in accordance with Section 123 of the Local Government Act 1972 and represents 'best consideration reasonably obtainable'.

### **Procurement Advice**

14. All procurement activity will be in line with the Councils Contract Procedure Rules and current Procurement Legislation.