

PLANS COMMITTEE – 18TH APRIL 2024

ITEM 3 - QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

Max Hunt - Estate Plan for the Garendon Park SUE and associated matters

1. What delegated authority was given to the Garendon Estate Plan published in 2019?
2. Why are no councillors or residents being consulted or invited to comment on the Garendon Estate Plan prior to any delegated decision?
3. Will the owners of Garendon Park be obliged to consult Historic England prior to any future alteration to the landscape of the Listed Park and Gardens?
4. On approving an Estate Plan based on current figures does the Council believe that sufficient Estate Service Charge income is available for the Management Company to pay for the cost of services required and has a risk analysis been done or any due diligence on the financial estimates?
5. The FHP Appraisal of Property Management Proposal for the West of Loughborough Sustainable Urban Extension (page10) dated 19th December 2014 makes the observation that:

*As the Garendon Parkland is intended for use as a public amenity for the wider area of Loughborough and Shepshed, I believe it is not equitable for the development's property owners to be funding the vast majority of contributions towards its upkeep without either some form of differential being introduced, or additional 3rd party contributions to its upkeep. If additional funding is not likely, then an alternative could be to **allow the use of all facilities on the Parkland to owners on the development for free or reduced cost, with a different charging structure applied to any users outside the development.***

Can the Council confirm that users living outside the development, such as those in Loughborough and Shepshed, will not be charged of use of, or entry to, the Garendon Country Park?

6. Are there any rights of access, including accessways and open spaces, within the Garendon Country Park (otherwise known as Garendon Heritage Park) to which the general public don't have but residents of the development (ie resident members of the management company) do, and if so could you specify what they are?
7. What procedure surrounds any update of the Estate Plan or will the Director (s)/Board have the power to change or update it at will?

8. When Persimmon Homes resigns from the Directorship of the Management Company who will replace them and under what procedure?
9. What role does the Stonebow Village Parish have in overseeing the Estate or intervening in its management and what thought has been given to its role with respect to any Residents Steering Committee?
10. Who would represent the specific interests of users of Garendon Country Park in the Estate Plan, and how if, at all, could it be exercised?
11. Does the Council agree that the Service Charge on residents should be proportionate the Council Tax Bands set by the Valuation Office rather than a flat rate and if so, would it be possible for a local planning Authority to apply this to other management agreements?
12. Will the Garendon Estate Plan include a Sustainability Plan before it is approved by the Council and could it become mandatory through the Local Planning Process for such management company proposals to require a Sustainability Plan?

The Chair, or her nominee, will respond:

1. None. The 2019 version of the Estate Plan was a draft where comments were provided and subsequent revisions made and commented upon, leading to the agreed version in 2024.
2. There is no requirement to consult on the discharge of Section 106 obligations. This is a complex matter where expert advice has been secured and, as an obligation with a trigger point for resolution being prior to the first occupation, those residents which would be affected by the Plan would not have been living on the site to allow for them to be consulted. Due to ongoing time pressures, resolution of the final version was expedited.
3. The Garendon Park Estate is a registered park and garden. There are no known proposals to alter the landscape. The relevant procedure for consideration of any proposals and associated consultation, such as with Historic England, will be dependent on the detail of the proposals and associated requirements.
4. External property consultants have advised that the Estate Service Charge is reasonable. Financial performance of the management company is to be monitored and reflected upon as part of ongoing reviews of the Estate Plan.
5. There are no proposals that would exclude the general public from accessing the Garendon Park Estate.
6. There is no differentiation in terms of access to the Garendon Park Estate for Garendon Park SUE residents and non-residents.

7. Any update is subject to agreement of parties, including CBC.
8. Non-adoptable assets will be owned by the Garendon Park Residents Management Company Ltd. All residents, schools, retail and commercial units will have voting rights on the Management Company. Persimmon Homes will retain sole voting rights until completion of the development. At that point, voting rights will be made available to be exercised by those residents, schools, retail and commercial units with a current membership of the management company for them to elect new directors to the Management Company.
9. Stonebow Village Parish Meeting is a separate democratic entity from the Management Company and has no formal role in its operation. The potential for liaison between the Parish Meeting and Management Company has been considered but, at this stage, the Parish Meeting has not been quorate and has no elected representatives so cannot be relied upon for involvement in the Management Company at this stage. Potential to engage with the Parish Meeting will be kept under review.
10. The Estate Plan makes provision for a representative of Charnwood Borough Council to attend Resident's Steering Meetings and for the Management Company representatives to actively engage with various representatives of the local community. A Community Development Worker is also to be appointed to act as a liaison on community interests and can also engage with the Management Company.
11. Advice provided to CBC found that a flat rate for residential properties is the most equitable charge in these particular circumstances. Commercial properties are to be subject to a charge calculated on the floor space of the unit. Agricultural tenancies are also to be subject to an annual charge.
12. There is no requirement as part of the S106 obligation for the management plan to include a Sustainability Plan.