EXPLANATORY MEMORANDUM TO

THE EBBSFLEET DEVELOPMENT CORPORATION (AREA AND CONSTITUTION) ORDER 2015

2015 No. 747

1. This Explanatory Memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This Order designates three areas lying within Dartford Borough Council, Gravesham Borough Council and Kent County Council as an Urban Development Area under Part 16 (Urban Development) of the Local Government, Planning and Land Act 1980 ("the 1980 Act"), and establishes an Urban Development Corporation under Part 16 for the purpose of regenerating the Urban Development Area. The number of members of the Urban Development Corporation, nine - not including the chairman and deputy chairman, is also set out as required under paragraph 1 of Schedule 1 to the 1980 Act.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 It is a condition precedent to making an order designating an area as an Urban Development Area that the Secretary of State considers it expedient in the public interest to do so; section 134(1) of the 1980 Act. In addition, before designating an area as an Urban Development Area and before establishing an Urban Development Corporation, the Secretary of State must consult the persons listed in sections 134(1A) and 135(1A) of the 1980 Act. A copy of the consultation and the consultation response can be found at https://www.gov.uk/government/consultations/ebbsfleet-development.

4.2 A separate Order, the "Ebbsfleet Development Corporation (Planning Functions) Order 2015" (SI No.2015/748) will be laid simultaneously with the "Ebbsfleet Development Corporation (Area and Constitution) Order 2015 (SI No. 2015/747). The Ebbsfleet Development Corporation (Planning Functions) Order 2015 will make the Ebbsfleet Development Corporation the local planning authority for the urban development area, which comprises parts of the areas of Dartford Borough Council, Gravesham Borough Council and Kent County Council, for specified purposes of Part 3 of the Town and Country

Planning Act 1990 in relation to the kinds of development specified in that Order.

5. Territorial Extent and Application

5.1 This instrument applies in England only.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Proposals for the development of the Ebbsfleet area have been in the pipeline for many years. The previous Government's 2003 Sustainable Communities Plan (Sustainable communities: building for the future, Office of the Deputy Prime Ministers 2003) identified Ebbsfleet and Eastern Quarry as the location for 10,000 new homes and major commercial, retail and leisure space. Outline planning permission was granted in 2002 by the local authorities but only a small percentage of the number of houses permitted to be built have been delivered.

7.2 As part of the Budget Statement in March 2014, the Government announced plans to establish an Urban Development Corporation for Ebbsfleet, to drive forward delivery of a new garden city capable of providing up to 15,000 new homes.

7.3 Large scale developments are complex and require significant coordination, expertise and resource. An Urban Development Corporation will be able to provide the coordination, expertise and resource required to deliver the new development.

8. Consultation outcome

8.1 A public consultation on the establishment of an Urban Development Corporation at Ebbsfleet, Kent, took place from 11th August to 6th October 2014. The consultation, which ran for eight weeks, was supported by a public facing engagement campaign.

8.2 Officials held meetings with local residents and businesses, local Town and Parish Council members and members of each of the three local authorities to answer questions and address concerns. In addition to the public meetings, the consultation was supported by a communications campaign which included the distribution of over 9,000 leaflets to local homes and businesses informing them of the consultation, and the delivery of almost 5,000 letters to residents and businesses inviting them to attend the public events. Posters promoting the consultation were also displayed throughout the local major retail centre, and web banners promoting the consultation were displayed on local authority websites.

8.3 The consultation focused specifically on the proposal to create an Urban Development Corporation. It invited views on: the proposal to create a Development Corporation; the area in which it would operate; the planning powers it would be granted; and the composition of the Board. It did not seek views on the detail of the development as this would be left for the Urban Development Corporation to take forward in partnership with local authorities, local communities and businesses.

8.4 In total 129 responses were received to the consultation, the results of which demonstrated overall support for the proposal to create an Urban Development Corporation for Ebbsfleet. 69% of respondents were in agreement with the proposal to create the Urban Development Corporation, 65% of respondents were in support of the proposed boundary; 60% agreed with the proposal to grant the Urban Development Corporation comprehensive and consistent planning powers, and 60% were content with the proposed number of Board members.

8.5 The Government's proposal for a Board of nine members (not including the Chairman and Deputy Chairman) seeks to ensure the availability of the full range of skills, experience and knowledge, such as commercial development, design, master-planning, finance and the delivery of infrastructure, which are vital to the successfully delivery of the garden city. The inclusion of members from the local authorities on the Board will help ensure that the Urban Development Corporation works effectively with the local communities.

8.6 Although supportive, the consultation did highlight some areas of concern such as the impact of development on existing infrastructure and the need to involve the local communities in shaping the future of the garden city.

8.7 At Autumn Statement 2014 the Government announced, that there would be a review of the transport provision for the Ebbsfleet area. The Government also announced, in the autumn statement, the provision of the first £100 million to fund infrastructure and land remediation to kick-start development, subject to due diligence. Subsequently at part of Budget 2015, the Government has asked the Urban Development Corporation to work with the Government to produce a prioritised, realistic and costed plan for infrastructure needs at Ebbsfleet.

8.8 In light of the consultation responses, the Government also amended the proposed boundary of the Urban Development Corporation in order to remove a small number of existing residential properties.

8.9 After reviewing the consultation responses the Government remained of the view that the creation of an Urban Development Area and the establishment of an Urban Development Corporation for Ebbsfleet is the most effective and appropriate method to deliver a garden city in Ebbsfleet.

8.10 Full details of the Government's response to the consultation can be found at: https://www.gov.uk/government/consultations/ebbsfleet-development

9. Guidance

9.1 No guidance is required.

10. Impact

10.1 There will be no negative impact on business, charities or voluntary bodies.

10.2 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 This instrument does not place any additional regulatory burden upon small business.

12. Monitoring & review

12.1 The Development Corporation will be established with the expectation that Government will review from time to time whether or not it should continue in existence and review its powers and responsibilities. The intention is that a review would be undertaken within five years of the establishment of the Development Corporation.

13. Contact

Jane Sweeney at the Department for Communities and Local Government (Tel: 0303 444 3111 or email: jane.sweeney@communities.gsi.gov.uk) can answer any queries regarding the instrument.