

Private Document Pack



Cabinet representations pack

Date: Tuesday 11 October 2022

Time: 10.00 am

Venue: The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF

Membership:

M Tett (Leader), Cllr A Macpherson (Deputy Leader and Cabinet Member for Health and Wellbeing), G Williams (Deputy Leader and Cabinet Member for Climate Change and Environment), S Bowles (Cabinet Member for Communities), S Broadbent (Cabinet Member for Transport), J Chilver (Cabinet Member for Accessible Housing and Resources), A Cranmer (Cabinet Member for Education and Children's Services), C Harriss (Cabinet Member for Culture and Leisure), P Strachan (Cabinet Member for Planning and Regeneration) and M Winn (Cabinet Member for Homelessness and Regulatory Services)

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For further information please contact: Ian Hunt on 01296 382343, email democracy@buckinghamshire.gov.uk.

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Response to Little Marlow Lakes Country Park Cabinet Report

Date: October 1st, 2022

To: Steve Bambrick

Cc: Cllrs Strachan and Harriss

From: Cllr Wilson

Dear Steve,

Thank you again for the briefings and for sharing this draft report in confidence prior to being issued as part of the Cabinet agenda following my question to Cabinet in February. I appreciate the opportunity to ask questions and provide comments.

Overall Conclusions

In summary, I am concerned that this report is unsound and that any decisions based on it may be considered unsafe and subject to call-in. I would recommend that it is withdrawn from this Cabinet Meeting, substantially re-drafted to propose that Buckinghamshire Council provides Little Marlow Lakes Country Park as defined in Policy RUR4 of the adopted Wycombe Local Plan. Should you decide to proceed with the report to Cabinet as presently draft, I would request that my response is shared with Cabinet Members as an Appendix. I reserve my right to ask questions at Cabinet, Council and relevant Select Committees on this matter.

Fundamentally, Buckinghamshire Council is seeking to operate in an extra-judicial role by ignoring the October 2017 resolution of the Wycombe District Council and the adopted Wycombe Local Plan. Buckinghamshire Council has received recent legal advice that fails to acknowledge the full powers of the Countryside Act 1968 that were available to Wycombe District Council and remain available to Buckinghamshire Council.

The report summarily dismisses the option of providing a Country Park as defined in the Wycombe Local Plan. It makes substantial assumptions about potential discussions and a possible agreement with landowners without providing any evidence of prior engagement. It presumes there will be compensation requirements and significant costs without also presuming for revenue benefits. All these negative assumptions are made against a favourable backdrop of the powers provided by the Countryside act 1968, Green Belt designation and the significant restraints imposed by local planning policies on development in this area.

Even if one were to accept the contents and recommendations of this report (which I am not advocating), it fails to provide a meaningful framework and timeline for all current and future planning applications presently dependent on one, but often many, of the various recommendations and next steps. The interdependencies and requirements for third party engagement and agreement, such as Natural England, are complex and the consequences of

failing to gain agreement need to be laid out more explicitly for Cabinet Members. There are also some implicit trade-offs being assumed within this report, such as potential s106 contributions from new commercial developments that would seemingly be in contravention of Green Belt designation and prevailing local planning policy.

Following on from this, section 4 Legal and Financial Implications does not acknowledge the risk to Council from ongoing uncertainty for planning applicants and potential appeals for non-determination. The Council has taken at least 8 months to reach this position and the clock is ticking on several substantial planning applications relating to the Little Marlow Lakes Country Park area. Although neither this report nor Cabinet can determine individual planning applications, this report fails to provide any degree of framework or timeline for applicants and residents alike.

Detailed Comments

I have provided more detailed comments to each of the sections below:

As a minimum, Ward(s) Affected should also include The Wooburns, Bourne End and Hedsor given the requirement to provide SANG/mitigation for recreational impacts at Burnham Beeches SAC for developments at Hollands Farm and Slate Meadow. Arguably, as a strategic planning policy (RUR4) in the Wycombe Local Plan, any decisions have a wider consequence for all wards in the former Wycombe area.

Cllr Watson has already expressed concerns about the interpretation of the Countryside Act 1968 (sections 6-7). I also have grave concerns about the selective interpretation of the legislation and would recommend that Buckinghamshire Council take further legal advice as we discussed at our recent meeting. If Planning decide not to take further legal advice, the Cabinet should be furnished with these paragraphs of legislation as an Appendix to make an informed decision. My comments on the legislation are as follows:

- Legislation provides extensive powers for local authorities to provide country parks
- That power pertains to any site considered suitable by the local authority
- It covers both land owned by the authority and not owned on terms as may be agreed with landowners – existing rights of way would not require an agreement
- Payments may be required for the cost of *making* an agreement and *expenditure* associated with the agreement – there is no requirement for other payments
- The local authority can compulsorily purchase any land for the purpose of their functions relating to the provision of a Country Park under the legislation

In short, the resolution from Wycombe District Council in October 2017 to provide a Country Park and Policy RUR4 in the adopted Wycombe Local Plan, which allocated the area only for outdoor recreation are wholly in line with the legislation. I dispute the comment in paragraphs 2.2 and 2.12 of the report that this was not sufficient, paragraph 2.23 that the Council cannot properly rely on powers in the 1968 Act, and paragraph 2.7 that Buckinghamshire Council has a choice over the matter. The WDC resolution and the Wycombe Local Plan are already made.

I disagree with the statement in paragraph 2.3 that the Country Park does not exist in the absence of an agreement. An agreement may be required with landowners if terms require an agreement, such as if public access were sought for their land, which it is not. Paragraph 2.8 suggests compensation is required; this does not reflect the legislation in section 7 (3). Furthermore, Policy RUR4 had ample opportunity to be consulted upon and challenged by landowners. It underwent Examination in Public by a Planning Inspector. The period for a legal challenge to the Wycombe Local Plan has passed as noted in paragraph 2.13. Any withholding of agreement by landowners, should the Council require anything beyond existing public access, would be futile.

Paragraph 1.2 of this report explicitly states that “owners can provide this agreement freely or on terms which can include the payment of monies”. It goes on to state that the number of landowners or their position on an agreement is unknown. This is extremely surprising given the extensive knowledge of the area by Property and Planning Officers, particularly those engaged with existing and potential planning applications. This matter has also been on the Council radar for a considerable amount of time, not least since questions from local Members much earlier this year.

Further, section 7 (4) of the 1968 Act provides for compulsory purchase of land. As this is Green Belt adjoining AONB, there are substantial limitations on development underpinned by extensive planning policy restrictions in the 2002 SPG and Policy RUR4; landowners claim it is poor agricultural land given its gravel pits heritage. As such, it would have low land value and represents an opportunity for Buckinghamshire Council to acquire the land, enhance its recreational provision and revenue opportunities.

Public perceptions of the area being a Country Park are primarily governed by the 2002 SPG, the resolution approved by Wycombe District Council in 2017 and Policy RUR4 in the adopted Wycombe Local Plan examined under considerable scrutiny by a Planning Inspector. It is incorrect to infer that public perception has been led solely by third parties as stated in paragraph 2.4. It is the local planning authority that has created this perception because it agreed to provide a Country Park. Buckinghamshire Council must respect what is already enshrined in planning policy.

Paragraphs 2.4 and 2.5 are also misleading about knowledge of local parties. There is extensive knowledge in the Council’s Property and Planning teams as well as local Members about third parties involved in Little Marlow Lakes Country Park. Property Officers have had conversations with Mike Overall at the Little Marlow Lakes Community Partnership, as well as Little Marlow Parish Council and residents’ groups. Little Marlow Lakes Community Partnership have contributed to the Appropriate Assessment and SANG provision for Hollands Farm.

It is deeply concerning that the Buckinghamshire Council Planning Team are using materials from a potential property developer in this area with vested interests (Dido) in paragraph 2.6 and Appendix rather than form their own evidence base. It might create the impression that Buckinghamshire Council is supporting developer interests ahead of residents.

Paragraphs 2.7 to 2.9 summarily dismiss the most obvious option which is wholly ignored in Section 3 Other Options Considered. Buckinghamshire Council could choose to pursue the provision of the Country Park by engaging with all other landowners to complete whatever agreements may be necessary, presuming that is the case. Paragraph 2.8 is entirely presumptive in stating that this “will involve negotiations with existing landowners, most of whom will expect some form of compensation in return for their agreement.” Paragraph 2.9 presumes that there will be a need for landowner compensation. Notwithstanding earlier comments above regarding the existing depth of knowledge and connections within the Council about landowners, it is misleading to predetermine the outcome of any discussions, given the powers available to the Council under the Countryside Act 1968, Green Belt status and the prevailing planning policies in the 2002 SPG and the Wycombe Local Plan.

Paragraph 2.9 is also incomplete. Country Parks are the most visited attractions in Buckinghamshire as noted in the recent Visitor Economy report to a Council Joint Select Committee with 1.4m visits in the past year. This report should also note all the recreational benefits for residents and visitors as well as the revenue opportunities for Buckinghamshire Council and other businesses. It is insufficient to purely note the costs, whether it is the Council-owned land or the whole area. The final sentence in paragraph 2.9 is potentially misleading because public access is presently provided for by public right of way and improvement costs are being covered in s106 agreements.

Paragraph 2.10 acknowledges the requirement for income generating facilities as required by Policy RUR4 and the Hollands Farm Appropriate Assessment. This is the burden and price for development elsewhere which brings s106 payments (£1.5m for Hollands Farm and £0.3m for Slate Meadow) and CIL to fund such facilities (as referenced in paragraph 1.4 of this report which notes such an assumption in the Appropriate Assessment of the Wycombe Local Plan), as well as the £0.5m referenced in paragraph 1.9 and the £0.45m referenced in paragraph 1.11. Surely this is the fundamental purpose of such agreements with developers and windfall payments rather than to burden the public purse. Equally, such agreements should be deployed locally and not used to fund financial shortfalls elsewhere in Council budgets. If the financial agreements do not cover the costs, then perhaps the development policies, such as BE2 Hollands Farm are not deliverable and should be removed through the new Buckinghamshire Local Plan?

Paragraph 2.11 covers a key conditionality that needs to be explicitly communicated. If a cost neutral solution cannot be defined on the wider area or Council-owned land, then Council policy dictates that a Country Park cannot be delivered. On this basis, then it is not possible to deliver a SANG area and all relevant development policies, such as BE2 Hollands Farm, must be shelved. Fundamentally, the Council must find at least a cost neutral solution to conform with its own policy.

Paragraph 2.13 contains a fundamental pivotal point of this report. It states that the Wycombe Local Plan and policy RUR4 were conceived on the understanding that the site was a Country Park. The Wycombe Local Plan went under considerable public consultation and scrutiny through an Examination in Public by a Planning Inspector appointed by the Secretary of State. It was subsequently challenged in the High Court in a Judicial Review and all claims were dismissed. At no point throughout the development of the Plan or its

adoption was this understanding questioned by the highest planning and judicial authorities in the land. At no point was consideration only given to Council-owned land. For Buckinghamshire Council to place itself beyond the consideration of a Planning Inspector or a High Court judge would seem to be operating in an extra-judiciary and, therefore, unsafe capacity.

Paragraph 2.15 endeavours to confuse through selective use of capitalisation for the term Country Park. The fundamental point here is that Policy RUR4, Policy BE2 and the Appropriate Assessment in conjunction refer to the Little Marlow Lakes Country Park on the understanding that it exists. If it does not exist, then there is a fundamental question regarding the deliverability of these Policies. The quoted paragraph of the Local Plan expressly states Country Park, not country park. This is further underpinned by paragraph 2.17 of this report which refers to making “the Country Park SANG compliant”.

Another fundamental point for residents in our Ward is paragraphs 2.18 and 3.1. These note the conditionality between the Council providing land for recreational purposes via SANG compliant space and the deliverability of BE2 Hollands Farm, noting its impact on the Council’s [Wycombe?] 5-Year Housing Land Supply, should it fail to do so. We can debate separately whether this is in fact an issue at all in the Wycombe area as reported by the Council where the 5-Year Housing Land Supply is healthy.

Paragraphs 2.19 and 2.20 must be confirmed in consultation with Natural England who are understandably operating under assumption that Little Marlow Lakes Country Park is as defined in the Wycombe Local Plan and not as noted in paragraph 2.24 as only 10ha. This is confirmed in paragraph 1.3 which refers to the Little Marlow Lakes area. It would be extremely unsound to proceed without extensive input and agreement from Natural England. In my conversations with them, they have been very clear about their expectations and priorities. It is vital that Natural England understand that the proposed SANG site in this report is not compliant and is presently in breach of a restoration planning condition. It is highly likely that Natural England would object to any planning application for BE2 Hollands Farm without a clear and approved roadmap. Obviously, this does not exist today and must be noted by decision makers.

Paragraph 2.21 refers to “the approved restoration scheme” – has this already been defined and who has approved it? It is highly unlikely that this can be implemented before the planning condition expires (end December 2022), so an enforcement notice MUST (not “may be”) served on the site. Please specify what a suitably extended compliance period would be to deliver a SANG? This has a material bearing on BE2 Hollands Farm for all parties; the Council is at risk on an appeal for non-determination and residents continue to be uncertain about the local area.

Paragraph 2.22 is welcome in defining the limitations for development across the entire Country Park area and the limited benefit for landowners. This further enhances the point made above about compulsory purchase. The acknowledgement of the lakes already being used for recreation and inhabited by wildlife is also important to limit any development beyond recreational amenities.

Paragraph 2.24 is noted and welcome regarding the planning applications for Spade Oak Quarry. In fact, the whole allocated area of Policy RUR4 Little Marlow Lakes Country Park is similarly designated as Green Belt and therefore is subject to that same conditions regarding inappropriate development for current large scale planning applications, including Marlow Film Studios and Marlow Sports Hub. This is further acknowledged in paragraphs 1.6 – 1.8 which note the considerable constraints on these and other developments.

To repeat comments in the Overall Conclusions, section 4 Legal and Financial Implications does not acknowledge the risk to Council from ongoing uncertainty for planning applicants and potential appeals for non-determination. The Council has taken at least 8 months to reach this position and the clock is ticking on several substantial planning applications relating to the Little Marlow Lakes Country Park area. Although neither this report nor Cabinet can determine individual planning applications, this report fails to provide any degree of framework or timeline for applicants and residents alike.

Final Thoughts

In summary, I am concerned that this report is unsound and that any decisions based on it may be considered unsafe and subject to call-in. I would recommend that it is withdrawn from this Cabinet Meeting, substantially re-drafted to propose that Buckinghamshire Council provides Little Marlow Lakes Country Park as defined in Policy RUR4 of the adopted Wycombe Local Plan. Should you decide to proceed with the report to Cabinet as presently draft, I would request that my response is shared with Cabinet Members as an Appendix. I reserve my right to ask questions at Cabinet, Council and relevant Select Committees on this matter.

You will no doubt be aware from our prior discussions and my comments here that I do wish to see Little Marlow Lakes Country Park provided to residents as envisaged over many decades. This is the “contract” outlined in the Wycombe Local Plan between the LPA and the local communities for the price of growth and development in the Wycombe area. There is substantial funding available through the various sources outlined in your report. Buckinghamshire Council’s existing Country Parks attract 1.4m visitors a year and bring substantial recreational and commercial benefits. Buckinghamshire Council must have the vision and commitment to deliver a successful Country Park in the south-west of the county and protect the natural environment and biodiversity from unwanted speculative development along this highly attractive part of the River Thames. As ever, I would be happy to meet in-person or virtually to discuss my comments and suggestions.

Kind regards,
Stuart Wilson
Member for The Wooburns, Bourne End and Hedsor
Leader of the IMPACT Alliance Group

Buckinghamshire Council Cabinet meeting 11th October 2022

Agenda item

Little Marlow Lakes Country Park

Response to letter from Cllr Stuart Wilson

This response is ordered to mirror the matters raised in Cllr Wilson's correspondence.

1. Overall conclusions

- a) The report is not unsound. It is clear from the reports that WDC relied on powers contained in S7(1) of the Countryside and Rights of Way (CROW) Act 1968 – but those powers were limited by S7(3) below. The WDC resolution was for an area of land that included both Council owned and other land. If this Council cannot implement the decision in its entirety then it needs to be considered afresh.

S7 Power to provide country parks.

(1) Subject to section 6 above, a local authority shall have power, on any site in the countryside appearing to them suitable or adaptable for the purpose set out in section 6(1) above, to provide a country park, that is to say a park or pleasure ground to be used for that purpose.

(3) The powers conferred by the foregoing provisions of this section and by the next following section may be exercised by the local authority—

- (a) on land belonging to them, or***
- (b) on such terms as may be agreed with the owners and any other persons whose authority is required for the purpose, on other land, and an agreement under paragraph (b) above may provide for the making by the local authority of payments in consideration of the making of the agreement and payments by way of contribution towards expenditure incurred by the persons making the agreement in consequence thereof.***

- b) As to the compensation issue. Cllr Wilson takes issue with the suggestion that the landowners would *need* to be compensated. The position is if other landowner's property becomes part of the Country Park their consent is required; and they are able to negotiate such terms as can be agreed (which can include compensation). So far there has not been any negotiation with owners or an estimate of what the demands might be so the cost is unknown. We do know, however, that we would need consent from every owner for the Country Park to be effective.

- c) Cllr Wilson also contends that the report fails to provide a meaningful framework for all current and future planning applications to be determined. With respect, it is neither the intended purpose of the report nor the role of Cabinet to set out such a timeline and framework. The Cabinet report seeks agreement in principle to proceed to the next step which would include preparation of a business plan. However, Cabinet agreement to the recommendation would provide a clearer public position on the intent for this area of land and would not be an impediment to the Council determining any current or future planning applications.
- d) Cllr Wilson claims that *fundamentally, Buckinghamshire Council is seeking to operate in an extra-judicial role by ignoring the October 2017 resolution of the Wycombe District Council and the adopted Wycombe Local Plan. Buckinghamshire Council has received recent legal advice that fails to acknowledge the full powers of the Countryside Act 1968 that were available to Wycombe District Council and remain available to Buckinghamshire Council.* However, and to be clear, Buckinghamshire Council is not ignoring the resolution of WDC but moreover is bringing this report to enable Cabinet to understand the barriers to implementation and to provide a steer on how to progress.

2. Detailed comments

- a) The wards affected and listed on the report are those directly affected as the future Country Park is located within those wards. It is accepted however that the decision has a wider implication, arguably to the whole of Buckinghamshire given the potential implications on the Local Plan.
- b) The relevant section of the legislation is contained in the answer above. The Council has taken external legal advice and the Director of Legal Services confirms his advice that the basis of the report is sound. Further advice will be available to Cabinet at its meeting should that be required.
- c) Cllr Wilson also disagrees with the statement in paragraph 2.3 of the report that the Country Park does not exist in the absence of an agreement. His argument is that as the site is allocated in an adopted Local Plan and as it has been subject to examination, any withholding of agreement by landowners would be futile. Unfortunately, this argument conflates the planning process with other legislative processes. The fact that the site is contained in an adopted Local Plan is a material consideration in the determination of planning matters in the area but, importantly, it has no impact or relevance and places no duty on landowners to reach an agreement under the terms of the 1968 CROW Act.

- d) Cllr Wilson questions in paragraph 1.2 how the number of landowners and potential costs is as yet unknown. So far there has not been any negotiation with owners or an estimate of what the demands might be so the cost is unknown. The report explains that to date, no resource has been allocated to this scheme and in part, the purpose of this report to Cabinet is to prioritise and allocate resources to the scheme.
- e) The fact that land could be compulsorily purchased is not in question and indeed such an option is not ruled out by the report in the future should the necessary funding be available. However the option recommended in the report is both practical and deliverable in a relatively short timescale which supports the delivery of the co-dependent sites contained in the Local Plan.
- f) The fact that there is a public perception that the Country Park already exists is not in question and the report states this as a matter of fact for context so that Cabinet are able to make a decision with this knowledge
- g) The material contained in the report is properly attributed to Dido properties and is in the public domain, there is no restriction on its use and in no way does this infer support for any party in this matter.
- h) Paragraphs 2.7 to 2.9 set out the limitations to progressing with the full RUR4 area as a Country Park at this stage. The answer is set out above as to why there are likely to be costs and time delays in pursuing the wider area. However, the recommendation in the report does not rule out revisiting this at a later stage as and when resources may be available
- i) The fact that Country Parks are a well visited attraction is not in question. The purpose of the report however is to set out the options for the Council and concludes that it is indeed desirable to provide for a Country Park but that in the short term, the most deliverable option is to contain the Country Park on land owned/controlled by the Council. The report does not rule out delivering a wider area of Country Park at a later stage as and when resources may be available.
- j) Paragraph 2.10 of the report acknowledges the funds that are available towards the delivery of the Country Park and it is intended to utilise the funds for the purpose that they were secured. Those funds however are not ongoing funds, they are one-off sources of funding to be spent on the delivery of the Country Park. It will still be necessary for the Council to develop a sustainable business plan for the Country Park. This is a recommendation of the report and will be reported to Cabinet in due course.

- k) The report does specify a requirement for a cost-neutral solution. It is also explicit that a business plan will need to be considered by Cabinet before implementation. Any implications of this in relation to future planning proposals is a matter to be considered by the appropriate planning committee/officer

- l) The policy RUR4 is contained in an adopted Local Plan. The assumption of that plan was that a Country Park would be provided to act as a SANG and to mitigate the impact of new developments on the Burnham Beeches SAC. As the Cabinet report indicates, the decision now before Cabinet is how to most appropriately deliver the Country Park and SANG so as to ensure the development contained in the WDC Local Plan can be delivered. The recommendation therefore supports this position and also does not rule out a wider delivery of Country Park in the future should resources permit.

- m) The Local Plan does allocate land for the Little Marlow Lakes Country Park. There is nothing within the Cabinet report that changes, or seeks to change that allocation. The allocation of all land as a Country Park will remain a material consideration in making planning decisions. The amount of weight to be attached to different parts of the allocation area in making those planning decisions will depend on the future decisions of Cabinet and the outcome of their consideration of this current report.

- n) Officers have been in regular contact with Natural England about the position regarding the allocated Little Marlow Lakes Country Park and the recommendations contained within this report. Natural England will confirm their position in relation to individual planning applications but the recommendation of officers is the solution outlined in the Cabinet report can be agreed with some confidence that it will deliver SANG for sites in the Wycombe Local Plan.

- o) In relation to paragraph 2.21, the report refers that an enforcement notice 'may' be required. It is almost certain that a notice will be required but this is a matter that is a planning matter and delegated to the Service Director of Planning and Environment. It would not be directed by Cabinet. Similarly, as with all other enforcement notices, it will be a matter for the planning officers to determine an appropriate compliance period taking into account the circumstances of the site. This can be confirmed at the time of service of any notice.

- p) The Cabinet report seeks agreement in principle for the future delivery of the Country Park at Little Marlow. It is clear that a further report setting out the business plan for the site will need to be considered by Cabinet before any implementation on the site. However, should the recommendation be agreed it is considered an important step forward in providing certainty about the

Council's intentions and delivery of the Country Park and will be material in allowing other decisions, affected by the future Country Park to be progressed.

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LITTLE MARLOW PARISH COUNCIL



Little Marlow Lakes Country Park Vision Working Group

Chairman:

Community Office, The Pavilion, Church Road, Little Marlow, Bucks SL7 3RS

Telephone: 01628 890301

e-mail:

10th October 2022

Dear Cabinet Member,

Little Marlow Parish Council strongly disagrees with the findings of the Report to Cabinet of 11th October 2022 regarding Little Marlow Lakes Country Park. It believes that the Report does not provide an adequate consideration of the issues and, therefore, that a Cabinet decision and any subsequent actions that rely on the Report's contents risk being improper. Consequently, The Parish Council recommends that the Report is withdrawn and a Project Board is tasked with investigating the matter further and with producing a report that is a suitable basis for Cabinet decisions regarding The Country Park.

The main purpose of The Country Park defined in policy RUR4 of Wycombe District Local Plan (5.5.21) is of *"providing and improving opportunities for the enjoyment of the countryside by the public"* in accordance with the Countryside Act 1968. The rationale for providing The Country Park at this site is that it *"further limits development opportunities to those associated with outdoor recreation, as long as it preserves the openness of the Green Belt, that further the purposes of the Country Park"* (5.5.20).

The size and scope of the site defined in RUR4, the variety of its terrain and the richness of its biodiversity offers the potential to create a remarkable and distinctive Country Park that would be a valuable natural and recreational resource for the people of Buckinghamshire. The Parish Council strongly supports the fulfilment of this potential and firmly opposes any attempts to reduce it.

Any decrease in the extent of the site defined in RUR4 or changes to its identification as a Country Park would reduce its potential and be contrary to the stated purpose of the Local Plan policy. Furthermore, any lessening of the weight accorded to RUR4 planning policy in the site risks facilitating inappropriate development and would be contrary to the rationale for providing The Country Park.

Therefore, The Parish Council is opposed to the intention of this Report and disagrees with the Report's Recommendation (3) to not pursue *"formal designation to regularise the status of the whole area"* and to (8.2) *"pursue an appropriately sized Country Park on land within its ownership in this location"*.

The premise for the Report's recommendation is that The Country Park has not been *"formally designated"* and that further action is required to do so. The Parish Council is of the opinion that this premise is false and that The Country Park has been satisfactorily regularised. The Countryside Act 1968 gives power for local councils to provide Country Parks by resolution. The Act (or any other policy) does not define a *"formal designation"* procedure or status, nor does it specify that the provision of a Country Park requires agreement from the owners of land contained within it¹. Consequently, Wycombe District Council's resolution of 2017 to provide The Country Park together with its definition within The Local Plan is sufficient and there is no need, or scope, for a *"formal designation to regularise the status of the whole area"*

¹ An agreement with landowners (such as an MoU) would seem only to be required if a council intends to carry out works on their land or seeks some other form of operational agreement having a practical effect.

A Cabinet decision “to pursue an appropriately sized Country Park on land within its ownership in this location” would, in the opinion of The Parish Council, be misconceived and unnecessary. There is no process to be pursued because the Country Park has been adequately provided on the site defined in RUR4. Whilst a decision to develop facilities only in The Council owned areas is reasonable, it would have no bearing on the extent of The Country Park or on the applicability of the RUR4 policies.

Therefore, The Parish Council disagrees with the Report’s opinion (2.13) that developers would be able “to argue that the policy should be accorded reduced weight as it was conceived on the understanding that the site was a Country Park”. The Country Park is properly provided and defined within the Local Plan. The RUR4 policies retain full weight over the entire extent of the site regardless of whether “formal designation” is “pursued” only for the land within The Councils ownership or whether or not facilities are developed only there.

Consequently, The Parish Council is of the opinion that a Cabinet decision to support these recommendations will have no effect on the regularisation of the Country Park. A Cabinet decision, of itself, cannot materially change the Local Plan or how its policies should be interpreted. It will not redefine the extent of the site defined in RUR4 or change its identification as a Country Park and it will not lessen the weight accorded to RUR4 policy over the entire site. Consequently, it would be improper for The Council to act as though it did so.

The Report does not declare the scope of the legal consultation upon which its conclusions are based, nor does it present the wording of the Council’s question to Counsel or of the resultant response. Consequently, a Cabinet decision, and any consequential actions by Buckinghamshire Council must depend only on this Report’s interpretation and therefore risk being improper. The Parish Council strongly recommends that the full legal guidance is published and, considering its contestable nature, that further legal advice is sought prior to a Cabinet decision on this matter.

The Countryside Act 1968 does not require every owner of land within the designated site of a Country Park to confirm their agreement to its provision. Therefore, landowners have no opportunity for legal redress to prevent or overturn the provision of a Country Park on their land. Furthermore, the Act does not require the council or other landowners to develop facilities within a Country Park. Consequently, there is no requirement for Buckinghamshire Council to enter an MoU with the landowners or to compensate them for agreeing to do so. Therefore, Little Marlow Lakes Country Park does not necessarily incur any financial or other obligations on Buckinghamshire Council and no financial benefit will be gained by decreasing the size of The Country Park.

The Council owned land within The Country Park is sufficient to provide SANG in compliance with the Appropriate Assessments for developments at Hollands Farm and Slate Meadow. Therefore, there is no requirement for facilities to be developed in the remainder of The Country Park and, consequentially, no requirement to enter a MoU or compensate other landowners to achieve SANG compliancy.

There are several impending inappropriate developments within The Country Park that threaten to change the character of the area and The Parish Council is concerned that the Report’s recommendations would facilitate their approval. These concerns have been heightened by the Report’s inclusion of material produced by Dido Properties Ltd. and by the positive perspective given to the possibility of S106 contributions from Marlow Film Studios and Marlow Sports Hub. The Parish Council therefore request that the Council explains these applicants’ involvement in the production of the Report.

Whilst Little Marlow Parish Council agrees that the initial focus should be on developing facilities on the Council owned land (and is keen to engage with Buckinghamshire Council to support this initiative) it recommends that The Council should develop a vision, business plan and operating model for the entire Country Park as required by RUR4. It is strongly opposed to decreasing the size of The Country Park and of lessening the weight of RUR4 planning policy on non-Council owned Land and reserves the right to pursue any and all lawful remedies to prevent The Council from doing so.

Cllr.
Chairman, LMLCP Vision Working Group
Little Marlow Parish Council

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

From:
To: [Democracy Mailbox](#)
Subject: [EXTERNAL] Report to Cabinet 11th October 2022 Little Marlow Lakes Country Park
Date: 10 October 2022 15:14:12

Report to Cabinet

11th October 2022

Little Marlow Lakes Country Park

This document has nothing to do with democracy.

It is also inaccurate and at best misleading.

The Local Plan cannot be altered in this way and this resolution should be withdrawn.

Yours sincerely,

Resident.

Little Marlow

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By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

From:
To: [Martin Tett \(Cllr\)](#); [Gareth Williams \(Cllr\)](#); [Angela Macpherson \(Cllr\)](#); [Clive Harriss \(Cllr\)](#); [Steve Bowles \(Cllr\)](#);
[Democracy Mailbox](#)
Cc: [Joy Morrissey \(External\)](#); [David Johncock \(Cllr\)](#); [David Watson \(Cllr\)](#); [Jocelyn Towns \(Cllr\)](#)
Subject: [EXTERNAL] Little Marlow Lakes & Country Park
Date: 10 October 2022 16:39:05

Dear Cabinet Minister(s)

I strongly object to the findings of the Report to Cabinet of 11 October 2022 re Little Marlow Lakes Country Park. The Report does not take into consideration the main purpose of the Country Park as defined in Policy RUR4. RUR4 of Wycombe District Local Plan (5.5.21) is of "providing and improving opportunities for enjoyment of the countryside by the Public" in accordance with the Countryside Act of 1968. The Country Park at this site is that it further limits development opportunities to those associated with outdoor recreation, as long as it preserves the openness of the Green Belt, that further the purposes of the Country Park. The Country Park is meant to be a valuable, natural and recreational resource for the people of Buckinghamshire and is the one remaining area of Marlow where people can walk, jog, hold meditation classes and generally relax. Note: the River Thames floods in the winter as does Higginson's Park therefore no outdoor activities can take place.

I cannot understand why there has been inclusion of material produced by Dido Properties (Guernsey) Ltd of Marlow Film Studios fame, whereas there is no representation from local residents. I would appreciate an explanation in due course. Their plans are tantamount to the rape, pillage and destruction of Marlow's Greenbelt. Please think carefully before you destroy our rich biodiversity and heritage by reducing the size of our Country Park. Think for once, of the mental health and wellbeing of local residents in this much forgotten backwater of Buckinghamshire,

Sincerely

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By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

From:
To: [Democracy Mailbox](#)
Subject: [EXTERNAL] Spade Oak Lake and the surrounding area.
Date: 10 October 2022 16:58:26

To the members of the Cabinet voting on 11th October.

I understand that you are due to vote on the recommendations of a report on Little Marlow Country Park.

I have read through the document and am left with the impression that you will not grant Country Park status to the whole area under consideration, mainly for cost reasons.

Although this site was spoken about in the 1960s, it would appear that neither Wycombe or Bucks have taken responsibility for this until now, when there is a proposal for a film studio. This looks to me as if you are "putting the proverbial horse back in its stable, 70 years on" in order to establish a sound footing for the approval or otherwise of the Marlow Film Studio planning application.

Whatever the status of Spade Oak Lake and the surrounding area is now or in the future and no matter what status you may decide to afford this area, you should be aware that Marlow residents value this amenity area and this has been nurtured over many years whilst our elected representatives have sat on their hands and done nothing.

I urge you to take responsibility and do what most Marlow residents want and that is to give this area the protection that it deserves.

Regards,

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By virtue of paragraph(s) 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

From:
To: [Martin Tett \(Cllr\)](#); [Angela Macpherson \(Cllr\)](#); [Gareth Williams \(Cllr\)](#); [Steve Bowles \(Cllr\)](#); [Steve Broadbent \(Cllr\)](#); [John Chilver \(Cllr\)](#); [Anita Cranmer \(Cllr\)](#); [Clive Harriss \(Cllr\)](#); [David Johncock \(Cllr\)](#); [Democracy Mailbox](#)
Subject: [EXTERNAL] Little Marlow Lakes Country Park
Date: 10 October 2022 19:22:23

AGENDA FOR CABINET TUESDAY 11th OCTOBER 2022

You are considering the recommendations of a Report on Little Marlow Lakes Country Park. If you resolve in favour of the recommendations then it will initiate the effective abolition of the Country Park which is **RATIFIED IN THE LOCAL PLAN** and therefore has full legal status. This is a **cynical, underhand and improper strategy which must be stopped.**

The inclusion within the report of material provided by developers of the proposed Marlow Film Studios is deeply worrying. They have a vested interest in making sure the area is taken out of Country Park as it represents a de facto reduction in the weight given to planning policy in the area. This report would make the area of Spade Oak Nature Reserve only as Country Park. Removing any of the current area of Country Park is depriving all residents of a natural resource for wellbeing and health. I would assume that **Cllr Gareth Williams** would be particularly concerned in view of his role as Cllr with responsibility for Climate Change and the Environment and **Cllr Clive Harriss** with his responsibility for Leisure. Also **Martin Tett** as he has responsibility for overseeing all Council work and has mentioned several times in the past that the well being of the residents of Buckinghamshire is very high up his agenda. He has referred to a Country Park in the south of Buckinghamshire many times.

The whole Report reflects the complete lack of care that is given to this area by Buckinghamshire UA.

I would urgently request, as this seems to have been sprung on the local residents with no apparent consultation or proper democratic process, that the Report is withdrawn.

Yours ()

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By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

From:
To: [Martin Tett \(Cllr\)](#); [Angela Macpherson \(Cllr\)](#); [Gareth Williams \(Cllr\)](#); [Steve Bowles \(Cllr\)](#); [Steve Broadbent \(Cllr\)](#); [John Chilver \(Cllr\)](#); [Anita Cranmer \(Cllr\)](#); Clive.Harriss@buckinghamshire.gov.uk; [David Johncock \(Cllr\)](#); [Democracy Mailbox](#)
Subject: [EXTERNAL] Little Marlow Lakes Country Park
Date: 10 October 2022 19:45:20

AGENDA FOR CABINET TUESDAY 11th OCTOBER 2022

You are considering the recommendations of a Report on Little Marlow Lakes Country Park. If you resolve in favour of the recommendations then it will initiate the effective abolition of the Country Park which is **RATIFIED IN THE LOCAL PLAN** and therefore has full legal status. This is a **cynical, underhand and improper strategy which must be stopped.**

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The whole Report reflects the complete lack of care that is given to this area by Buckinghamshire UA.

I would urgently request, as this seems to have been sprung on the local residents with no apparent consultation or proper democratic process, that the Report is withdrawn.

Sincerely,

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

From:
To: [Democracy Mailbox](#); [David Watson \(Cllr\)](#); [David Johncock \(Cllr\)](#); [Martin Tett \(Cllr\)](#); [Gareth Williams \(Cllr\)](#); [Angela Macpherson \(Cllr\)](#); [Steve Bowles \(Cllr\)](#); [Steve Broadbent \(Cllr\)](#); [John Chilver \(Cllr\)](#); [Anita Cranmer \(Cllr\)](#); [Clive Harriss \(Cllr\)](#); [Peter Strachan \(Cllr\)](#); [Mark Winn \(Cllr\)](#)
Cc: joy.morrissey.mp@parliament.gov.uk
Subject: [EXTERNAL] Planning and regeneration of Little Marlow Lakes Country Park Cabinet Meeting 11th October
Date: 10 October 2022 21:39:40



To Cabinet Members

The decision regarding the country park should be deferred until more details are known and interested parties have been conferred with.

The legal position is muddled and a second opinion is needed. A decision at this stage would be open to legal challenge and a judicial review

RUR4 cannot be changed in any event before the new local plan comes through.

In addition proposed developments from Dido, van storage and sports facilities are not treated equitably in the report.

For these reasons a decision should not be made without consultation and further legal opinion in the interests of fairness and justice.

Yours faithfully

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From:
To: [Martin Tett \(Cllr\)](#)
Cc: [Angela Macpherson \(Cllr\)](#); [Gareth Williams \(Cllr\)](#); [Steve Bowles \(Cllr\)](#); [Steve Broadbent \(Cllr\)](#); [John Chilver \(Cllr\)](#); [Anita Cranmer \(Cllr\)](#); [Clive Harriss \(Cllr\)](#); [Peter Strachan \(Cllr\)](#); [Mark Winn \(Cllr\)](#); [Democracy Mailbox](#); [Stuart Wilson \(Cllr\)](#); [Sophie Kayani \(Cllr\)](#); [Penny Drayton \(Cllr\)](#); [David Watson \(Cllr\)](#)
Subject: [EXTERNAL] Urgent- Little Marlow Lakes country park report
Date: 10 October 2022 21:43:21

I am writing on relation to a report on the Little Marlow country park and it's recommendations to reduce the size of the park to just the Spade Oak Lake. I understand this report is to be discussed by cabinet tomorrow 11th October

My credentials are that I am a resident of Bourne End and have lived in the area years, since . I am also a active member of and a of

I do not support a reduction in the scope of the Country Park. It would effectively reduce it to a small Nature reserve. It would forever deprive the area of an opportunity to create and maintain an open space for recreation at a time when there are many development pressures. It represents an opportunity to reinstate the land properly and fully after the gravel extractions of the 1950 to 80's . This is something successive Bucks councils failed to insist the gravel extractors live up to their extraction licenses.

The country park has been referenced in numerous planning applications as mitigation for developments in the area. You cannot have it both ways either there is a need or there is not a need for mitigation and a need for a country park. Truncating the country park to a small Nature reserve will indicate that Bucks planning is minded to give free rein to developers, whilst at the same time not delivering on our reasonable recreational expectations. It smacks of being underhand.

I am also concerned that the report has used material that has been provided by the proposed film studio developers. They have a strong interest to talk down the value and potential for the country park. Including their material in the report shows undue influence on the writers of the report.

I call on cabinet to withdraw this report.

[Sent from Yahoo Mail on Android](#)

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