

MINUTES OF THE PROCEEDINGS OF A MEETING OF THE AYLESBURY VALE DISTRICT COUNCIL

This meeting was webcast. To view the detailed discussions that took place please see the webcast which can be found at:

<http://www.aylesburyvaledc.publici.tv/core/portal/home>

18 OCTOBER 2017

PRESENT: Councillor S Renshell (Chairman); Councillors J Brandis (Vice-Chairman), B Adams, C Adams, M Bateman, J Blake, N Blake, J Bloom, A Bond, S Bowles, C Branston, S Chapple, J Chilver, A Christensen, A Cole, S Cole, M Collins, P Cooper, M Edmonds, B Everitt, B Foster, N Glover, A Harrison, M Hawkett, T Hussain, A Huxley, P Irwin, S Jenkins, R Khan, R King, S Lambert, A Macpherson, T Mills, L Monger, G Moore, H Mordue, R Newcombe, C Paternoster, C Poll, G Powell, M Rand, B Russel, E Sims, M Smith, M Stamp, Sir Beville Stanier Bt, P Strachan, R Stuchbury, D Town, A Waite, J Ward, W Whyte and M Winn.

APOLOGIES: Councillors B Chapple OBE, P Fealey, K Hewson, T Hunter-Watts, S Jarvis and S Morgan.

WEBCASTING

Prior to the start of the meeting, the Chairman reminded everyone present that the meeting would be broadcast live to the internet and be capable of repeated viewing.

Members of the audience who did not wish to be on camera were invited to move to a marked area at the side of the chamber.

1. MINUTES

RESOLVED –

That the Minutes of the meeting of Council held on 13 September, 2017, be approved as a correct record.

2. ANNOUNCEMENTS

There were none.

3. PETITIONS/DEPUTATIONS (IF ANY)

There were none.

4. WRITTEN QUESTIONS

Written questions submitted by Members and the answers provided could be accessed at <http://democracy.aylesburyvaledc.gov.uk/ieListMeetings.aspx?Committeeld=441>

5. PROPOSED SUBMISSION DRAFT VALE OF AYLESBURY LOCAL PLAN (REGULATION 19)

All local planning authorities were under a statutory obligation to prepare a Local Plan. The last adopted Local Plan for Aylesbury Vale dated from 2004 and therefore did not take account of recent changes in Government planning policy. The Council had tried to prepare a replacement Plan on a number of occasions and the most recent attempt had

been withdrawn following an examination in public in 2014. Since then, the Council had been committed to delivering a new Local Plan and to ensuring that this met the Government's expectation that local plans were produced as soon as practicable.

Council received a report, submitted also to the VALP Scrutiny Committee on 26 September, 2017 and to Cabinet on 10 October, 2017, setting out the background to the production of the Plan, as well as providing a summary of the contents and the next stages in the process. All Members of the Council had received a copy of the submission draft document. The Cabinet report had included a list of minor post-publication changes. Paragraph 3.7 of the Scrutiny Committee report referred to evidence that supported VALP being attached as an Appendix. However, in view of the significant number of documents that evidence had not been attached to the report. Instead, a complete list of the supporting evidence, which included links to the documents on the Council's website, was included at Appendix 1 (pages 19-21) of the Council agenda.

The VALP Scrutiny Committee had made a number of comments and suggestions and these had been considered by Cabinet on 10 October. Cabinet had heard from the Chairman of the VALP Scrutiny Committee, who had elaborated upon scrutiny's deliberations. Cabinet had also heard representations from three other local Members and three members of the public, the context of which had been dealt with during the Cabinet debate.

Cabinet had considered all of the issues raised by the speakers, as well as a schedule of proposed changes (identified up to that point in time) on an item by item basis, seeking clarification from officers that these would not alter significantly or change the sense of the supporting text. Of all the changes suggested by the VALP Scrutiny Committee, Cabinet felt unable to agree two of them, specifically the rewording of Policy H1 relating to the number of affordable homes to be provided on sites allocated within a Neighbourhood Plan, and Policy NE7 relating to the use of local green space, which if approved would be contrary to the guidance contained within the NPPF. Otherwise, all of the other changes suggested by the Scrutiny Committee were approved for onward transmission to Council.

Following the Cabinet meeting, a final schedule of changes to the VALP (agreed by Cabinet on 10 October 2017) had been put together and circulated to all Members in advance of the Council meeting. A hard copy of this document was also provided to all Councillors at the Council meeting.

The Leader of the Council gave a brief introduction and explained the context behind the preparation of the draft Plan during which he placed on record his thanks to the Scrutiny Committee for its input to the whole of the Local Plan development process. The Council's Forward Plans team was also thanked for all the work that had been done to bring the plan to this stage. The Leader gave a brief timeline of all the Council's consideration of this matter, culminating in the submission draft.

Members then received a presentation from Mr Keith Holland (previously Assistant Director in charge of development plans at the Planning Inspectorate) and Mrs Suzanne Ornsby QC (Council's QC for VALP) who gave a general perspective on how AVDC's Plan was shaping up.

Mr Holland, Mrs Ornsby QC and the Council's Officers then responded to questions of a technical nature relating to the following issues:-

- on the methodology used in allocating specific housing sites within the VALP.
- in relation to the allocation of around 1,000 homes at RAF Halton during the plan period, and on the deliverability of the site. It was confirmed that a supplementary planning document would be put together and full public

consultation held before any future housing development took place at RAF Halton. Officers also commented on the issue of green belt land.

- it was confirmed that should significant amendments be made to the VALP document that it might require re-drafting which could delay the public consultation timings.
- in relation to Shenley Park, which had been identified in a previous draft of the VALP as a site for housing development.
- on the methodology that had been used to categorise proposed settlement hierarchies and housing development.
- that if there was a change in Government policy, e.g. a new definition of affordable housing had been proposed in the recent White Paper, then this would need to be addressed and might necessitate an amendment to the VALP being discussed with the Inspector during the plan's examination.

It was then proposed by Councillor Mrs Paternoster and seconded by Councillor Poll –

- (1) That the proposed submission draft of the Vale of Aylesbury Local Plan (attached as an appendix to the agenda), as amended by the schedule of changes put forward by Cabinet, be approved for the purpose of formally consulting, for a statutory period of 6 weeks in accordance with Regulation 19 of the Town and Country Planning (Local Planning)(England) Regulations 2012, and as the version proposed to be submitted to the Secretary of State for examination in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulation 2012 (subject to recommendations (2) and (3) below.
- (2) That authority be delegated to the Assistant Director, Community Fulfilment, after consultation with the Cabinet Member for Growth Strategy, to make minor amendments to the final VALP document and maps to address typographical errors and improve clarity, provided that these amendments did not alter policies significantly or change the sense of supporting text, prior to the start of the publication period.
- (3) That authority be delegated to the Director with responsibility for planning after consultation with the Cabinet Member for Growth Strategy, to approve any modifications or other amendments which arise during the Examination.
- (4) That authority be delegated to the Assistant Director, Community Fulfilment, after consultation with the Cabinet Member for Growth Strategy, to make amendments to the final VALP documents prior to the proposed submission consultation period, to remove any housing allocations from the proposed submission VALP which arose from either a Neighbourhood Plan being made or receiving a majority "Yes" vote at referendum.

An amendment was thereupon proposed, in two parts, by Councillor Stuchbury and seconded by Councillor Bateman as follows:-

That having regard to Objective 2(a) of the Strategic Objectives (page 26), which relates to affordable housing being provided to meet identified needs:

- (1) "It was proposed that Policy H1 (page 171) be amended so that the VALP required residential development of 11 or more dwellings gross or sites of 0.3ha or more to provide a minimum 35% affordable homes on site."

Secondly, having regard to delivering the allocated sites at strategic settlements (page 116):

- (2) “It was proposed that the following text at the end of paragraph 4.124 be deleted from the VALP document:

and allocates two further sites at Buckingham, reflecting it being the second most sustainable settlement in the district, specifically Moreton Road at Buckingham Road (130 homes) and land off Osier Way, south of A421 and east of Gawcott Road (420 homes).”

Following discussions, the amendment, in two parts, was put to the meeting and declared to be LOST.

It was thereupon proposed by Councillor Lambert, and seconded by Councillor Christensen, that the Cabinet Member’s proposal be amended by deleting Recommendation (3).

The Chairman of the Council agreed to suspend Council Procedure Rules in order for Mrs Ornsby QC to provide advice to Members on this proposed amendment after which, with the agreement of Council, and the mover and seconder of the amendment, the amendment was withdrawn.

The original Motion was then put to the meeting and declared to be CARRIED. It was therefore

RESOLVED –

That the four recommendations forming the original proposal put by Councillor Mrs Paternoster, (outlined above), regarding the submission draft of the Vale of Aylesbury Local Plan be agreed.

6. SILVERSTONE PARK ENTERPRISE ZONE INFRASTRUCTURE FUNDING

In May, 2016, approval had been given to the creation of three Enterprise Zones (EZs) within the Vale as part of a group comprising Bucks County Council, Bucks LEP and the landowners. Collectively, these sites were referred to as the Aylesbury Vale Enterprise Zone (AVEZ). As part of this arrangement, and because the Council was the collection authority for business rates, it had been agreed that AVDC would be the accountable body for the AVEZ.

A founding principle of EZs was that the Government allowed business rates retention from new development so that the income generated was invested in infrastructure to facilitate future EZ development in accordance with agreed investment strategies. Each of the AVEZ sites had a Memorandum of Undertaking (MoU) agreed with the landowners that set out each site’s investment strategy, including priorities for investment of retained business rates. As the accountable body, any borrowing requirement necessary to future fund infrastructure needs fell to this Council.

At Silverstone Park, the MoU with MEPC (the land owner) specified that infrastructure funds of £10M would be applied (funded jointly by MEPC and business rates retention) to support infrastructure provision in advance, such as power supply, utilities, ground works, site roads and broadband.

A copy of the report submitted to Cabinet on 10 October 2017 was appended to the Council report. This explained that, to date, MEPC had delivered the first phase of speculative development (12,164 m²) in the EZ and tier 1 infrastructure works, including a 21 MVA upgrade to the high voltage electricity distribution network and gas and drainage infrastructure.

MEPC's infrastructure investment priority was to deliver tier 2 infrastructure works as set out in a schedule forming part of the Cabinet report. Tier 2 infrastructure would accelerate the future provision of site specific services on future development phases. This would enable MEPC to respond rapidly to future occupier requirements for premises across the whole of the remaining EZ site. The Cabinet report had included information:-

- on how it was anticipated that the funding of £4,993,269 (including professional fees and a contingency) would be required and drawn down.
- that the interest and loan repayments would be funded from the existing business rates and the additional business rates to be generated by Silverstone Park Enterprise Zone as a result of the infrastructure development works.

The loan was not secured on the investment, so the Council would need to accept the risk of non repayment. However, as also explained in the Cabinet report, it was considered that the financial risk associated with the proposal was very low.

Council was invited to approve grant funding support for the utilities infrastructure works, on the terms as set out in the Cabinet report. The project had been appraised by independently appointed consultants, Hewson Consulting, and their report with its conclusions had been appended to the confidential part of the Council agenda due to their commercially sensitive nature.

The appraisal had reached the following conclusions:-

- The strategic intent and the proposed financing mechanism accorded with the approach set out in the EZ Implementation Plan.
- MEPC was an experienced developer with a competent professional team and should be more than capable of carrying out the project efficiently; the project budget included a large percentage for on-costs and client contingency. It would be prudent to make clear that the £4.993M grant was a maximum figure, with MEPC responsible for cost returns.
- AVEZ should approve the final tender sums for each utilities contract and ensure that the client contingency retained at that stage was a reasonable percentage.
- AVDC would rely on retained business rates from existing and future development to recoup the grant cost, but the projected income over the life of the EZ should easily achieve this.
- The state aid position was complex and Hewdon was unable to say definitely that the project was fully compliant. However, Hewdon's view was that the risk of challenge was low and in any event it would be for MEPC as recipient to satisfy itself regarding the details of state aid compliance.

Prior to Members debating this item, a number of Members indicated to the Chairman that they wished to discuss the confidential information attached to the Council agenda, after which the Vice Chairman moved:-

"That in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of the confidential information for the reasons stated on the agenda."

It was proposed by Councillor Bowles and seconded by Councillor Mrs Glover:-

- (1) That approval be given to provide capital grant funding of £4,993,269, as per the arrangements set out in the report to Cabinet on 10 October 2017, to meeting the advanced infrastructure requirements at Silverstone Park Enterprise Zone.
- (2) That approval be given to include £4,993,269 in the Capital Programme and the Treasury Management Strategy accordingly.

Having discussed the information contained in the confidential part of the agenda, it was

RESOLVED –

That the above recommendations be approved.