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Deadline for Call-in: Not Applicable

CABINET

Meeting - 24 May 2016

Present: Mr Bagge, Mr Naylor, Mr Egleton, Mrs Sullivan and Mr Kelly

1. MINUTES

The minutes of the meeting of the Cabinet held on 20 April 2016 were confirmed and signed by the Leader.

2. IVER NEIGHBOURHOOD AREA APPLICATION

Cabinet were required to consider the application by Iver Parish Council for the entire Parish of Iver to be a Neighbourhood Area following public consultation. The Leader and Portfolio Holder for Sustainable Development considered this decision was urgent in accordance with Rule 4.2 of the Council's Overview and Scrutiny Procedure Rules because the Council was subject to a statutory deadline of 6 June 2016 to make a decision and failure to meet this deadline would seriously prejudice the Council's interests. Accordingly written agreement was sought and obtained from the Chairman of Overview & Scrutiny Committee to exempt the decision from the call-in procedure on the grounds of its genuine urgency.

Cabinet considered a detailed report on Iver Parish Council's Neighbourhood Area application including the Parish Council's supporting statement, a detailed summary of the representations received as a result of public consultation, the representation received from Pinewood Studios and the Parish Council's response to representations, together with details of relevant statutory provisions, national policy and guidance in the NPPF and NPPG, relevant case law and the planning matrix, in terms of the local development plan and relevant planning permissions for Pinewood Studios.

Cabinet was advised that the application from Iver Parish Council must be determined taking into account the desirability of designating the whole of the Parish Council's administrative area as a Neighbourhood Area and having regard to guidance in the NPPG that a local authority should aim to designate the area as applied for and must give reasons if it considers that area is not appropriate. The report indicated there were two options for consideration: to allow the application and designate the whole of Iver Parish area as a neighbourhood area or to refuse that application and designate a different area to that applied for, namely the Parish Council area excluding Pinewood Studios.

Members sought clarification from the Acting Chief Executive on the effect of designating a Neighbourhood Area as a precursor to preparing a Neighbourhood Plan, the scope of policies that could be included in a Neighbourhood Plan and the constraints placed on Neighbourhood Plans by local and national planning policies, as well as whether excluding Pinewood Studios would disenfranchise any local residents. Having noted the clarification given and the reasons set out in the report for recommending that it was not desirable to designate the whole of Iver Parish Council area as a neighbourhood, but that an area excluding Pinewood Studios was appropriate, it was

RESOLVED that:

1. The Iver Parish Neighbourhood Area application submitted on 24th March 2016 be refused because the proposed Neighbourhood Area (or specific area) namely the area

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comprising the whole of Iver Parish is not an appropriate area to be designated as a neighbourhood area for the following reasons:

- a) The application proposes the inclusion within the specified area, of the area of land comprising Pinewood Studios (as identified on the South Bucks Development Plan Proposal Map) and its extension/extended area identified by planning appeal approval. This land is considered to be of strategic importance in planning policy terms taking into account the saved South Bucks Local Plan (1999), South Bucks Core Strategy (2011), together with the reasons given by the Secretary of State justifying the planning appeal decision to extend Pinewood Studios into the Green Belt and the emerging Chiltern and South Bucks Local Plan (albeit the emerging Plan is at a very early stage).
- b) Pinewood Studios is the only specific existing land use allocation in the current Development Plan on the Proposals Map and the only existing land use with a specific policy protecting and supporting its activities. The Development Plan position reflects Pinewood Studios' national and international importance. This national and international importance was recognised by the Secretary of State for Communities and Local Government in granting the extension to the Studios in the Green Belt in the national interest.
- c) The national and international importance of Pinewood Studios recognised originally in the Development Plan is therefore still relevant and due to the approved extension of the Studios its status and importance of its role may be treated as having increased since the time the Plan was adopted. Given the current Development Plan position, the appeal decision to extend the Studios and the emerging Chiltern and South Bucks Local Plan it is clear that Pinewood Studios will continue to be recognised for its strategic importance within the emerging Development Plan as well as its national and international importance.
- d) If Pinewood Studios (and associated land) were to be included in the Iver Neighbourhood Area any future Neighbourhood Plan policies proposed will need to be in general conformity with the Development Plan at that time. Although the Council is not seeking to pre-empt what may follow the neighbourhood area designation, it is considered that the basic condition requiring general conformity to the Development Plan means it is extremely unlikely to be able to offer those involved in the neighbourhood plan lawful scope to change or materially add to the Development Plan. The opportunity to change or add to the planning context for Pinewood Studios (if this is what is intended) is provided through engagement on the emerging Chiltern and South Bucks Local Plan and is considered to be the appropriate development plan route to do so.
- e) The Parish Council Supporting Statement to the neighbourhood area application is considered to collectively comprise the comments set out in the Parish Council letter of 24th March 2016 together with a separate Supporting Statement dated February 2016 from Planning Progress Limited containing a series of legal submissions submitted with the application by the Parish Council. The reasons put forward for the whole of the Parish Council area being the appropriate area (including Pinewood Studios) are in effect that there is a presumption that if an application for a neighbourhood area is made by a Parish Council and that as the area is the whole Parish Council area, it should be

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treated as appropriate in any event. In addition the Parish Council does not accept that Pinewood Studios should be treated as a strategic site. With regard to the latter the Council has concluded it clearly is a strategic site and that this is material in this case. With regard to the former issue, the council has taken legal advice and (as set out in the report to Cabinet on 24th May 2016) it is not accepted that such a presumption applies or can be read into the legislation or guidance. The discretion the Council as Local Planning Authority has in making its decision is a broad one and the test to be applied in each case is whether the area is appropriate. In reaching that decision regard must be had to the desirability of designating the whole of the area of a parish council as a neighbourhood area. That statutory requirement to have regard to the desirability of designating the whole area is not limited and therefore is required whether the application is for an area that is less than, or the same as, or is greater than the parish council area.

- f) In addition, whilst the Council is not seeking to anticipate the content or nature of any subsequent Iver Neighbourhood Plan, it is clear that the Parish Council in making this application has considered the question of whether to include Pinewood Studios in its Neighbourhood Area. Given that it does seek its inclusion it must therefore be reasonable to conclude that the Parish Council consider it is appropriate for the future neighbourhood plan to be able to contain planning controls in respect of the use and future development of Pinewood Studios. This raises the following issues of concern for the Council:-
- i) including Pinewood Studios in the Neighbourhood Area is considered likely to raise false expectations with some local residents that subsequent neighbourhood planning controls could seek to limit or alter the current Development Plan provision or emerging Development Plan consideration for the potential future use/development or redevelopment of Pinewood Studios
 - ii) to whatever degree Pinewood Studios is to be represented in a future neighbourhood plan, its presence regardless of the content of the plan could have a significant influence on the referendum area for the neighbourhood plan given its influence is likely to cover a much wider area than Iver Parish. The concern is that a wider referendum area is likely to include voters who are less likely to have been directly involved in the neighbourhood plan process as a whole or in significant part, and who are more likely to approach the referendum with less local knowledge and appreciation of the overall neighbourhood plan objectives. As such, the risk increases for the neighbourhood plan referendum to be influenced by people outside of the parish and with a narrower range of interest and which could affect the referendum outcome. If this occurred it would not be desirable, would undermine the reasons for the Parish Council seeking a neighbourhood area and it is considered would be counter to government objectives for neighbourhood planning. In addition a larger referendum area would increase the public cost of the referendum. Therefore there is a risk to the referendum outcome being influenced by people outside of the plan area and at increased public cost, both of which are not considered to be within the public interest.
- g) In addition based upon the Parish Council's letter of 24 March 2016 the key objectives for the Parish Council appear to be able to respond to residents' wishes and to develop a neighbourhood plan that satisfies local needs and not to disenfranchise any Parish

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residents who live in any excluded area or who may be otherwise affected by any such exclusion. It is considered that these objectives are not relevant to Pinewood Studios and exclusion of Pinewood Studios would not undermine these Parish Council objectives as:

- i) there are no residents residing in the Pinewood Studios area and related development land therefore the reference to disenfranchisement can only be directed to residents living outside Pinewood Studios and it is not clear how these residents would be so disenfranchised or indeed lose any rights if the area was excluded from the neighbourhood area;
 - ii) it is extremely unlikely that local needs other than those which are provided at the moment (e.g. employment opportunities) will be able to be met within the Pinewood Studios area;
 - iii) in terms of residents' wishes and those residents that may be otherwise affected by excluding the Pinewood Studios land, given that the future neighbourhood plan needs to be in general conformity with the Development Plan and given the current and emerging policy with regard to Pinewood Studios, it is not considered that any disadvantage to residents would arise if Pinewood Studios is excluded from the Neighbourhood Area. This is also the case because there is limited scope for a neighbourhood plan lawfully to alter or influence planning policy in this specific area. This limited scope may be weighed against the clear risk of raising 'false hope' with local residents that any neighbourhood plan may be able to introduce a Development Plan policy in relation to Pinewood Studios that cannot be delivered.
 - iv) following on from the above, it is considered that no local resident would be disenfranchised through the exclusion of Pinewood Studios.
- h) During the consultation only two supporting representations specifically support Pinewood Studios inclusion (Reps 0006 and 0016). However there are eight other representations which support the application generally and so could be inferred to also supporting Pinewood Studios inclusion. Nevertheless the level of supporting consultation responses is small and the only supporting responses specifically mentioning Pinewood Studios appears to reinforce the Council concern above that its inclusion in the neighbourhood area could raise false community expectations for any subsequent neighbourhood plan in terms of what is likely to be able to delivered through a neighbourhood plan.

AND IT WAS FURTHER RESOLVED:

2. That an Iver Neighbourhood Area be designated comprising the Parish of Iver excluding Pinewood Studios as set out in the map in Appendix 6 to the report.

3. ANY OTHER BUSINESS WHICH THE LEADER DECIDES IS URGENT

There was no such business.

4. EXCLUSION OF PUBLIC

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“that under Section 100A(4) of the Local Government Act 1974 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act “

Paragraph 1, 2, 3 and 4

5. RE - DEVELOPMENT OF THE ACADEMY SITE

Cabinet considered a report setting out options for the timing of the closure of the facility prior to its redevelopment and noted the recommendations of the Advisory Panel held on 18 May 2016. Having noted the proposed arrangements for dealing with consequential staffing issues and the requirements for securing the site after its closure, it was

RESOLVED that

1. The Academy facility closes at the end of September.
2. Appropriate measures are put in place to secure the site following closure.

The meeting terminated at 6.16 pm