

## **PLANNING AND ECONOMIC DEVELOPMENT POLICY ADVISORY GROUP**

**Meeting - 8 January 2020**

Present: J Read (Chairman)  
J Jordan and G Sandy

Also Present: Dr W Matthews, R Sangster and L Sullivan

Apologies for absence: G Hollis and M Lewis

### **145. MINUTES**

The minutes of the Planning and Economic Development PAG held on 9 September 2019 were approved.

### **146. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **147. UPDATES FROM MEMBERS/ SENIOR OFFICERS ON CURRENT ISSUES**

No updates were provided.

### **148. COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE**

The PAG received a report which proposed that the Community Infrastructure Levy (CIL) Charging Schedule was adopted for publication and implementation by Council, following the successful examination in public which took place on 5 November 2019 and the Examiner's report which was received on 13 December 2019.

The Lead Local Plan Consultant reported that a consultation on the draft CIL Charging Schedule had run from 7 June to 23 August 2019 and attracted a total of 50 representations. The Councils provided comments to the examiner that no modifications should be made as a result of the representations. At the Examination in Public Hearing on 5 November 2019 the Councils proposed a clarification to the definition of the category 'large sites' within the Draft Charging Schedule. On receipt of this the examiner invited all 50 people who had made representations to comment on the clarification. This consultation ran from 11 November to 25 November 2019 and attracted a total of 5 comments. The examiner issued his report on 13 December 2019 which included agreement for the insertion of the clarification of 'large sites' into the final Charging Schedule.

Members then discussed the report and appendices. A Member asked about the exemption to CIL with regard to buildings which are self-built and the definition of self-build. The Lead Local Plan Consultant referred to the Chiltern and South Bucks Local Plan 2036 and quoted the following 'Self-build and custom housebuilding are defined in the Housing and Planning Act 2016 as: *'...the building or completion by— (a) individuals, (b) associations of individuals, or (c) persons working with or for individuals or associations of individuals of houses to be occupied as homes by those individuals. But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.'*

The aim of the policy was to help encourage sufficient self-build and custom housebuilding to come forward to meet demand, to support community-led housing, but this would need to be closely monitored to ensure that the exemption should apply. A Member asked for further details on what would qualify for a self-build and it was agreed that the CIL/Section 106 officer would provide a written response.

Reference was made to the demise of the high street and re-use of buildings and Members noted that CIL related to new development not existing development and internal conversion works. If the building was knocked down and rebuilt the CIL/Section 106 officer would need to calculate whether a payment was required, as CIL was charged on a £s per square metre basis which related to development of buildings over 100 square metres net new build floor space.

A Member asked whether the implementation of CIL would mean that developers were less likely to invest in the Council area and whether different rates should apply to different areas. The Lead Local Plan Consultant reported that the benefit of applying different rates did not outweigh the complexity of implementing it. The Senior Infrastructure Consultant reported that in his experience different charging rates did not have any impact. If the new Buckinghamshire Council decided to review the CIL Charging Schedule it may want to take into account, the diversity of the area adjacent to Milton Keynes to the north and Beaconsfield/Gerrards Cross to the south of the County. The Lead Local Plan Consultant reported that CIL charging rates could not be set on a policy basis and that the determining issue was the evidence on viability.

An additional recommendation was proposed as follows:-

"That on site developments of 400 housing units or more where the actual deliverability of the Council's housing targets is being placed at risk by the failure of the developer to accept liability for the delivery of the approved scheme and contributions towards specified infrastructure elements, which are directly related to the housing development in question, when there is a compelling need for such in the public interest, and when the Council has provided a clear statement of

justification and cost-estimate for the said work or contribution, the Council affirms its intention to use its Compulsory Purchase Powers for proper planning purposes.

Furthermore, on housing development sites where viability calculations rely on forward estimates of sale prices for the market housing units, the Council will incorporate in relevant Section 106 agreements its entitlement to a positive claw-back of a proportion of any sale values in excess of the aforementioned forward estimates."

The PAG was asked to advise the Portfolio Holder and Head of Planning and Economic Development on the following recommendation:

#### **RECOMMENDATION**

- 1. That the Charging Schedule be adopted and the Community Infrastructure Levy implemented on 17 February;**
- 2. That the decision be delegated to the Acting Chief Executive in consultation with the Portfolio Holder for Planning and Economic Development on whether to accept an offer of transfer of land in payment or part payment of a CIL liability;**
- 3. That any decisions required for Parts 7 Application of CIL, Part 8 Administration of CIL, Part 9 Enforcement of CIL and Part 10 Appeals be delegated to the Acting Chief Executive in consultation with the Portfolio Holder for Planning and Economic Development ;**
- 4. That the decision to take proceedings in relation to any CIL offence be delegated to the Acting Chief Executive in consultation with the Portfolio Holder for Planning and Economic Development and the Head of Legal and Democratic Services; and**
- 5. That these delegations novate to the relevant officers and Portfolio Holders of Buckinghamshire Council.**
- 6. That on site developments of 400 housing units or more where the actual deliverability of the Council's housing targets is being placed at risk by the failure of the developer to accept liability for the delivery of the approved scheme and contributions towards specified infrastructure elements, which are directly related to the housing development in question, when there is a compelling need for such in the public interest, and when the Council has provided a clear statement of justification and cost-estimate for the said work or contribution, the Council affirms its intention to use its Compulsory Purchase Powers for proper planning purposes.**

**Furthermore, on housing development sites where viability**

**calculations rely on forward estimates of sale prices for the market housing units, the Council will incorporate in relevant Section 106 agreements its entitlement to a positive claw-back of a proportion of any sale values in excess of the aforementioned forward estimates.**

149. **URGENT ITEM - HEATHROW JOINT SPATIAL PLANNING FRAMEWORK**

The PAG received a report on the creation of a Joint Spatial Planning Framework which would guide the process of securing the wider gains from the proposed expansion of Heathrow, which did not already form part of the Development Consent Order (DCO), including economic gains and other transport improvements within the region. A Statement of Common Ground on the JSPF was due to be developed with Member authorities for submission to the Examination of the Heathrow DCO. HSPG considered that the JSPF and Statement of Common Ground were important tools for shaping the wider impact of the Heathrow development given that so much land to be impacted was outside the DCO boundary. The Framework would bring Heathrow Airport Limited mitigation and funding outside the current 'redline' (the development boundary) of the DCO which was tightly drawn to the Heathrow expansion site. The Framework would be a 'non-statutory' guide to future planning to secure gains from collaborative working and was intended to influence the Planning Inspectorate decision on the submitted DCO.

The Senior Infrastructure Consultant commented that South Bucks District Council was just a consultee and had no controls over the development but the Framework would define a wider area that was affected by the proposals and enable joint working between the Councils, Local Enterprise Partnerships and Government to implement the agreed strategy and introduce a mechanism to secure funding that could be spread over the geography of the Framework for infrastructure investment. This was the largest DCO in the UK to date and would have consequences for the District in terms of land use, transport and quality of life. The Framework was currently a draft document and a decision would need to be taken on the final document by the new Buckinghamshire Council.

Concerns had been previously raised in response to the Surface Access Strategy which did not provide sufficient detail on how they would achieve 50% shift from cars to public transport as at the moment only two/three new bus links had been proposed and very few electric charge points. In addition, no information had been given on freight. During discussion Members made reference to the motorway network and that currently if there was a serious accident on M25 this would have a serious impact on M4, M40, M3 and M1 which would increase dramatically with the increase in passengers (80-140 million) from the Heathrow expansion.

Members had also expressed concern about the impact of the closure of Mansion Lane which had been referred to in a different DCO. There were connecting issues in

different DCO's which needed to be addressed through one Framework. The Senior Infrastructure Consultant reported that it was helpful that the Western Rail Link would be undertaken first as the DCO would now have to take that Scheme into account. The Portfolio Holder commented that not only were there concerns about Mansion Lane but the impact of expansion on the whole area including Denham and the north/south connectivity. There needed to be more thought about the transport network and direct public transport links to Heathrow without travelling into London. Another Member also referred to public transport links to Pinewood Studios. She also commented that a number of Heathrow workers travelled to work on a moped/motorcycle and that they parked their bike under the concrete ramp in the terminal rather than using allocated parking.

Members discussed the map showing zones of influence around Heathrow Airport on page 27 of the supplementary agenda and expressed concern that this map excluded South Bucks District although they noted that map needed to be refined. The Senior Infrastructure Consultant reported that he had raised this and in response had been told that the interaction map related to hotel occupancy adjacent to the airport. A Member commented that this was the wrong basis on which to draw the map and the Senior Infrastructure Consultant acknowledged that this map would need to be refined to take into account other areas such as residents, businesses and environmental factors.

Members agreed that the following comments should be put forward to Cabinet:-

- The map relating to the zones of influence around Heathrow Airport was not big enough and needed to be expanded to include areas such as Taplow, Iver, Beaconsfield, Gerrards Cross and Windsor.
- Air quality and environmental impacts needed to be incorporated into the Framework.
- Number of bus hubs needed to be increased to deal with the increase in passengers with regular bus services.
- There needed to be detailed consideration about north/south connectivity to ensure that passengers could use public transport which also needed to include Old Oak Common and the Elizabeth Line.
- HAL needed to look at a bigger vision for example, Bosch had its headquarters in Denham and it was important to establish good economic and transport links and to be innovative.

The PAG was asked to advise the Portfolio Holder and the Head of Planning and Economic Development on the following recommendation:

## **RECOMMENDATION**

- 1. That Cabinet comment on the detailed report and appended annex, which set out the purpose and content of the proposed**

**Joint Spatial Planning Framework for securing long term opportunities from the Heathrow expansion.**

- 2. That the PAG comments are considered by Cabinet for incorporation into the final response to the working draft JSPF and Statement of Common Ground submitted by the Director of Services/Acting Chief Executive on behalf of the Council in consultation with the Leader.**
  
- 3. That the Council should recommend that the new Buckinghamshire Unitary Council, once established, endorses the final version of the JSPF and plays an active role in its implementation as an HSPG Member Council to secure the economic opportunities for Buckinghamshire.**

The meeting terminated at 8.09 pm