

## **CAPITAL BUDGET AMENDMENT – Local Plan Delivery**

**Cabinet Members:** David Watson and David Johncock

**Ward(s) Affected:** Icknield, The Risboroughs

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### **RECOMMENDATION**

That Cabinet approves a recommendation to full Council to acquire land and properties needed to enable the delivery of the Local Plan within the budget set out in the exempt appendix and that delegated authority be given to the Corporate Director in consultation with Head of Finance & Commercial and Head of Democratic, Legal & Policy Services in relation to the acquisition of the land and property described in the appendix, including associated legal and transactional costs.

### **Reason for Decision**

To facilitate the delivery of the alternative route round Princes Risborough. The expansion of Princes Risborough, with an alternative route, is a key proposal in the Local Plan. The property owners are willing to sell by private treaty and the land and property in question can therefore be acquired by negotiation, avoiding the expense and time delay that a CPO would involve.

#### **Corporate Implications**

1. Capital Funds are being sought from reserves to enable the acquisition of land and property that lies directly on the line of the proposed alternative route around Princes Risborough.
2. The proposed expenditure can be financed from within the existing capital reserves and recovered from the value of the planned development of the Princes Risborough Expansion area, or through re-sale in the event that the Local Plan fails examination.
3. The risks associated with this request are detailed at paragraphs 15 – 17
4. Details of the funds requested are explained in an exempt appendix.
5. Section 111 of the Local Government Act 1972 empowers the Council to do anything - including the expenditure of money which is calculated to facilitate or conducive or incidental to the discharge of any of its functions. Section 1 of the Localism Act 2011 empowers it to do anything generally which individuals may do, subject to the provisos in Sections 2-4. The Local Plan will need to continue to proceed through the statutory process culminating in examination by a Planning Inspector to test its overall soundness. While that process continues, and has yet to be completed,

the acquisition of property needed to deliver a major housing development within the local plan will help the Council to demonstrate that its Local Plan proposals have reasonable prospects for delivery, which is a key test of 'soundness'.

## **Executive Summary**

6. The report requests that funds are made available to purchase land and property needed for the Local Plan. Site plans are shown in the exempt appendix.

## **Sustainable Community Strategy/Council Priorities - Implications**

7. The recommendations support the Council's key priorities as well as the Sustainable Community Strategy themes of a Thriving Economy and Sustainable Environment.

## **Background and Issues**

8. The local plan proposes 2050 homes at Princes Risborough in the plan period to 2033, with a further 600 homes in later years. To accommodate this, a new road is needed through the town. The site lies outside the boundary of the Green Belt and the AONB.
9. The properties are located near an existing underbridge that connects the B4009 to the A4010 at Grove Lane. The new road requires this junction to be straightened, which will involve the construction of a new railway underbridge, and the demolition of the identified properties.
10. The work identifying the preferred route of the new road was undertaken by Jacobs, and reviewed by DRF Consulting Engineers.
11. Routes that avoid the identified properties have other complications – for example the Railway is on an embankment that falls to the south. This means the diversion would require additional excavation, while a diversion route to the north would be likely to have an impact on other properties. More detailed work will be undertaken on the precise route alignment and it may be possible to avoid the need for demolition of the identified properties. However, this appears unlikely in view of the technical work undertaken thus far.
12. If the preferred bridge and road alignment is implemented, additional land will be required to achieve the proposed road alignment. However, the identified properties are the only two occupied residential properties along the proposed route and the timing of their acquisition is being brought forward, in advance of a wider delivery plan, so as to mitigate the effects of uncertainty on the owners of the property and their families. Acquisition by agreement is also seen to be preferable to compulsory purchase.

## **Risks and Mitigation**

13. The Local Plan will be subject to government Examination. One of the tests of soundness is whether the plan has reasonable prospects of delivery. Where sites are complex, and unlikely to be delivered by the private market acting alone, it is necessary for the Council to demonstrate it is taking active steps to ensure there is a reasonable prospect of the planned housing being delivered. If the Council fails to provide such evidence, the prospects of the plan being found to be unsound will increase.
14. The decision to purchase cannot, however, fetter the discretion of the Inspector. The Inspector may find that the identified properties are not required. If this were to be the case, the identified properties could be resold and may or may not recoup their full purchase price, depending on future housing market conditions.
15. If, as we anticipate, the identified properties are needed in order to facilitate new bridge infrastructure, the work done on financial viability for the Local Plan suggests that the relevant land costs can be recovered through the value created by the associated development. Costs would be recouped through s.106 or CIL payments, subject to suitable policies being included in the Local Plan. A QC's advice has been sought on how to maximise the Council's ability to recover any expenditure made prior to a planning permission being granted through the associated s.106 payment schedule.
16. The examination into the Local Plan is likely to take place in the summer of 2018, with the Inspector's report produced later that year.

## **Consultation**

17. The draft Local Plan and draft Princes Risborough Town Plan were the subject of extensive public consultation during 2016. Over 3000 comments were received on the Local Plan, and 367 on the draft Princes Risborough Town Plan. Both plans have been revised in response to consultation feedback and are currently being brought together into a consolidated plan. The version recommended for submission to the Secretary of State will be brought to Cabinet in September 2017 prior to formal publication. The statutory consultation will then take place for 6 weeks from October, before the documents are submitted to the Planning Inspectorate. The Local Plan Examination is expected to take place in mid-2018.
18. A widespread concern expressed during consultation is that investment in infrastructure improvements will be essential to deal with pressures arising from housing growth on the scale anticipated within the Princes Risborough Expansion Area.

## **Options**

19. There are two main options
  - 1) To agree to the purchase of the identified properties either immediately or at a deferred date;

- 2) To not pursue the purchase and await the outcome of local plan examination.

Option 1 is the recommended option as it removes uncertainty from the property owners and enables the Council to control access into the proposed Princes Risborough expansion area.

## **Conclusions**

20. Acquiring the identified properties will secure part of the route of the proposed new road, and remove uncertainty for the families presently occupying them. There are acknowledged risks associated with the decision to purchase. However, these can be mitigated and there are potentially greater risks to prospects of the local plan being found to be unsound, if purchase is not pursued at this stage.