



Growth, Infrastructure & Housing Select Committee minutes

Minutes of the meeting of the Growth, Infrastructure & Housing Select Committee held on Thursday 9 December 2021 in The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF, commencing at 10.00 am and concluding at 12.30 pm.

Members present

D Carroll, T Hunter-Watts, M Smith, S Rouse, M Bracken, I Darby, M Hussain, C Poll and D Town

Others in attendance

G Hall, A Wheelhouse, G Williams, S Bambrick and D Eggleton

Apologies

A Baughan, Q Chaudhry, T Hogg, S Chapple and C Etholen

Agenda Item

1 Apologies for Absence/Changes in Membership

Apologies for absence were received from Cllrs Baughan, Chapple, Chaudhry, Etholen and Hogg.

2 Declarations of Interest

There were none.

3 Minutes

RESOLVED

The minutes of the meeting held on 14th October 2021 were agreed as a correct record.

A member raised concerns that additional information that had been requested during that meeting had subsequently been circulated to members, but that information was not captured in the public record of the minutes. It was agreed that the process would be reviewed to ensure that information provided after the select committee meeting could be captured in the minutes to ensure transparency for the public. **ACTION: Scrutiny Manager**

In addition, the member expressed the view that a response he had received in connection with his question on housing was insufficient and he would therefore follow this up with the Cabinet Member for Housing who would be attending the next meeting in February 2022.

4 Public Questions

There were none.

5 Buckinghamshire Local Plan

The Chairman welcomed Cllr Gareth Williams, Cabinet Member for Planning and Regeneration, Steve Bambrick, Service Director, Planning and Environment and Darran Eggleton, Head of Planning Policy and Compliance to the meeting. The Cabinet Member presented members with an overview of work that had recently begun on the development of a new Buckinghamshire Local Plan and the following main points were noted:

- The Buckinghamshire Local Plan is a vital document which will determine how development can take place across the county, including housing and employment sites, during the period of 2022-2040. It was important that it was prepared well because it would have a lasting impact and would sit alongside the county's Growth Plan to set the vision for Buckinghamshire.
- £750,000 had been set aside to support the development of the plan.
- The Planning White Paper proposed significant changes to the local plan process, not least being a reduction in the timeline for producing one to just 30 months. However, with the legislation being delayed until 2022, following the appointment of a new Secretary of State, the team had no choice but to begin the process. They acknowledged that they would have to be agile enough to move at pace once any changes to the process were confirmed. Previous local plans had taken 5-7 years to get approval.
- The Council wanted to include local residents and listen to their concerns in relation to planning. Over 700 people had responded to the Statement of Community Involvement consultation and as a result of this, the Council had committed to consult on the draft local plan, which could take up to a year. This might have to be revised in light of legislative changes.
- An initial call for brownfield sites had not produced a significant number of viable options so far. These sites would likely yield 5,500 homes which represents only 10% of the overall target of 55,000 houses in total (based on 2014 government figures).
- Members and residents were invited to submit any other brownfield sites for consideration for inclusion in the new local plan. To give members an indication, Steve Bambrick advised that brownfield sites might usually account for around 20% of required housing numbers.
- The Council also had a duty to co-operate with neighbouring local authorities when preparing their local plan and this could impact housing numbers.
- There could also be an impact on Buckinghamshire's housing numbers as a result of the Cambridge/Oxford Arc spatial framework.
- Until the new Local Plan is in place, the planning frameworks set out in the existing local plans e.g Wycombe Local Plan, Vale of Aylesbury Local Plan, will

remain the benchmark against which planning applications are judged.

The Chairman thanked the Cabinet Member for his introduction and invited questions from members. In response to questions and during the subsequent discussions, the following main points were noted:

- Steve Bambrick explained that the Planning Policy team had 26 members of staff. During the first year of the Council their focus had been on finalising the Vale of Aylesbury Local Plan and now their attention was turning to the Buckinghamshire Local Plan. There were 7 vacancies in the team currently, but recruitment had been relatively successful as the Council was an attractive place for ambitious planners to work a one of the largest planning authorities in the country. Even with those vacancies, the team were managing the workload effectively.
- It was noted that transport connections between where we live and where we work should be key considerations in the new local plan. The Cabinet Member agreed and suggested that the Local Plan was a means to leverage funding for the associated infrastructure.
- Whilst it was important to listen and consult with residents, the Council needed to get a local plan in place in a timely fashion, so there was a balance to be struck.
- Brownfield sites included in a local plan have to be 'deliverable' – for example if a landowner had no intention of allowing development on the site then this couldn't be included. Whilst the Council wanted to prioritise brownfield over greenfield sites, it is unrealistic to think that the housing numbers could be delivered via brownfield sites alone.
- In response to a question regarding whether the government housing targets could change, the Cabinet Member suggested some examples of how it might – the government could move some of the housing numbers to other areas as part of its levelling up agenda or government could choose to use more up to date figures from the Office for National Statistics, which would lead to a reduction in Buckinghamshire's housing requirements. Conversely the Council could choose to build more than the government target in order to promote more affordable homes. However, the Cabinet Member was not working on the assumption that the housing target would reduce.
- The Cabinet Member confirmed that if a reduced timescale of 30 months was introduced as part of new planning legislation in 2022 the commitment to consult on a draft local plan would have to be withdrawn.
- A member commented that he had been impressed with the initial communications he had seen in connection with the Buckinghamshire Local Plan and asked what the reaction had been from the public to date. The Cabinet Member reported that the Local Plan consultation opened on 29th November and had received 1140 responses in the first 10 days and would remain open until 11th February so there was still plenty of time for people to share their thoughts.
- Whilst noting that a budget of £750,000 had been set aside for developing the local plan, a member queried if there was a risk of this being overspent. The Cabinet Member indicated that the service would work within that

budget but variables that he had highlighted, such as a change to a 30-month timescale or additional housing or employment demand in the county as a result of the Cambridge/Oxford Arc proposals, could result in a need to employ consultants and therefore risk an overspend.

- Steve Bambrick assured members that previous experience in developing local plans had informed this budget. It would be monitored closely so that if further funding was needed this could be requested through the annual medium term financial planning process.
- A member commented about the need for infrastructure considerations to be a priority in the new local plan. It was important to preserve green space and consider traffic implications of new homes. The Cabinet Member agreed that infrastructure was crucial but there was not always sufficient funding to deliver it. This was often why development would be added on to existing settlements.
- In response to a question regarding converting retail space into higher density housing, the Cabinet Member gave examples of how this has been delivered well, with sufficient parking and green space in Cambridge. He advised that a scheme had been recently approved locally which would deliver several hundred flats and would also help to revitalise the town centre.
- A member reported that she had found the consultation document slightly confusing as the numbering system reversed between the earlier and later questions which might have caught some people out. The Cabinet Member promised to share this feedback with the communications team.
- In response to a question regarding provision for truly affordable housing, the Cabinet Member explained that Cllr Nick Naylor, Cabinet Member for Housing and Regulatory Services was leading a working group on affordable housing which would feed into the development of the local plan. This was an important consideration for the council as the average salary in the county was £29,000 in comparison with an average house price of £470,000. The Council was reviewing its own estate with a view to releasing some land for development, but it was important to balance the need to develop affordable housing options versus the need to maximise capital receipts to deliver value for money for taxpayers.
- The lack of affordable housing was also an issue nationally which might require a national solution. The Committee might want to consider discussing affordability in more detail at a future meeting.
- A member asked if the Council could share the methodology by which the housing needs figures had been calculated, noting that the 2018 ONS figures were lower than 2014 and asked whether it was possible for the housing needs figures to be reduced by virtue of paragraph 11b, footnote 7 of the National Planning Policy Framework (NPPF) due to the areas of green belt and outstanding natural beauty in Buckinghamshire. The Cabinet Member offered a member briefing session on how the statistics are compiled and therefore how the housing need figures were reached as this would be helpful in setting a context. **ACTION: Gareth Williams**
- With regards to the suggestion of assuming a lower housing needs figure,

Steve Bambrick explained that there was a formal process to request that the standard methodology be lowered and to do this, Buckinghamshire would have to demonstrate that there were insufficient appropriate sites to meet the housing needs. With the smaller legacy councils, such as Chiltern and South Bucks, where there was a high proportion of green belt, this was easier to demonstrate. However now as a larger unitary authority, all potential sites from across the county area would have to be assessed, which might make it more difficult to challenge the housing numbers. The initial identification and assessment of sites was building an evidence base and if as a result of this, it could be shown that housing needs could not be fulfilled, then the option of lowering the standard methodology could be considered.

- In response to a question about how windfall homes would be taken into account in the housing numbers, the Cabinet Member explained that historically the numbers of windfall homes had exceeded the figures included in the local plan and the Cabinet Member had asked officers if this historical average could therefore be used. It was important to strike a realistic balance otherwise the Planning Inspector could reject the plan.
- A member asked how they could access information on S106 and infrastructure plans for their own local areas. The Cabinet Member advised that he would be happy for information to be shared with local members and suggested that it might be possible to produce a local member report detailing S106 and CIL spending. **ACTION: Gareth Williams**
- The Cabinet Member also commented that he was keen to improve member engagement with planning more generally and in the new year, Member Surgeries were being introduced, whereby members could book time with planning officers to discuss any specific cases in their areas.
- In response to a member question about the powers of the Planning Inspector, it was noted that the local plan has to be judged to be deliverable. Inspectors can be challenged but only if they have made an error in law.

The Chairman thanked the Cabinet Member, Steve Bambrick and Darran Eggleton for their presentation and for answering members' questions.

6 Planning Enforcement

The Chairman welcomed Cllr Gary Hall, Deputy Cabinet Member for Planning Enforcement to the meeting, who joined Cllr Gareth Williams and the Officer team. Cllr Gary Hall introduced the report, reminding members that planning enforcement was a priority but if a breach was reported, the team would work with individuals to bring their development back into line with planning rules, before looking to take more formal action. Cllr Hall paid tribute to the staff and reminded members that whilst planning could be an emotive subject, officers should be treated with courtesy and respect.

Darran Eggleton, Head of Planning Policy and Compliance, highlighted the following main points from the report:

- Buckinghamshire Council took a firm but fair approach to planning enforcement and formal action would be taken as needed.

- The Planning Enforcement management team had been restructured with two Area Team Leaders reporting into the Enforcement Manager. The two teams were aligned with North and Central Planning areas and East/South and West planning areas.
- The teams were working through a backlog of cases, using a proactive risk-based approach which enabled decisions to be taken as early as possible in the process. This was leading to an increase in performance, with an increased number of notices issued and a high success rate at appeal stage which demonstrated that staff were making sound judgements.

In response to members' questions and during the subsequent discussions the following main points were noted:

- It was noted that 805 cases had been closed and only 24 formal actions taken. Darran Eggleton explained that cases were not closed unless permission has been sought and obtained or if it was judged not to be expedient to pursue the issue. The closure rate was monitored and usually ran at 20%, due to issues being resolved or being found not be in breach of planning rules.
- In response to a question regarding the caseload per officer, average length of time to resolve a case and how Buckinghamshire Council compared to others, it was agreed that more detailed KPIs would be shared with the committee. It was noted that Government collated national statistics in terms of the number of enforcement notices issued and BC were ranked 11th last year or 5th outside of Greater London. **ACTION: Darran Eggleton**
- A member briefing session on enforcement was planned for the new year as well as some training aimed at town and parish councils.
- Anyone could report a planning breach via the planning portal. The team had 1556 open cases currently.
- A member complimented the team on dealing with a planning breach she reported and resolving the issue within 3 weeks.
- A member questioned why only 24 formal notices had been issued when reporting of issues was much higher. It was noted that last year the Council issued 59 notices in comparison with 100 for the highest issuing local authority.
- The enforcement team was made up of 17 full time equivalents although there were currently 3 vacancies, which were being covered by agency staff. A further 5 officers had been requested in the current budget round.
- A member commented that he was appalled to hear about unacceptable behaviour from members towards officers. He expressed the view that members should never raise their voices with officers and suggested that improved understanding of the process might encourage members to moderate this behaviour.

The Chairman thanked Cllr Gary Hall and Darran Eggleton for their report and was pleased to see that improvements were being made in this area.

The Committee received and noted the report on S106 and Community Infrastructure Levy (CIL). In response to members' questions and during subsequent discussions the following main points were noted:

- It was noted that the planning white paper had suggested that a national infrastructure levy could be introduced instead of CIL so changes could be on the horizon.
- Buckinghamshire Council had not reimbursed any developer contributions through the clawback mechanism.
- A member asked how CIL operated in the High Wycombe town area which was unparished and asked if any CIL monies had been clawed back by developers in the Wycombe District Council over the past ten-year period. It was agreed that this information would be provided after the meeting.

ACTION: Steve Bambrick

- A member asked how S106/CIL was managed in connection with larger developments, particularly when developers take applications to appeal. Steve Bambrick advised that major applications tended to be managed via Planning Performance Agreements (PPAs). If an application is very speculative and goes to appeal the Council has a duty to defend its position and would advise the planning inspector of any conditions and S106 provisions that would be needed if planning permission was granted. The planning team try to work collaboratively with applicants either through pre-application advice or PPAs in the case of major developments.
- A member advised that a S106 funded initiative was going ahead in his ward despite concerns being raised by all local members there. He wanted advice on what local members can do to influence the S106 spend. It was noted that any S106 agreement is designed to deliver an outcome required as a result of a planning decisions. Decision makers set out the requirements for the S106 so it was important to engage with the process ahead of that decision being taken at area planning committee.
- In response to a question regarding the mechanisms around CIL it was explained that when planning permission is approved, applicants are provided with a CIL liability form. There are some exemptions such as self-build, social housing etc. The applicant must then provide a commencement notice and within 60 days they must pay the CIL. Each year the Council published an Infrastructure Funding Statement on 31st December. This provided an overview of CIL that had been collected in each local area and across the county as a whole.
- After five years, town and parish councils must provide notice to Buckinghamshire Council detailing how the CIL monies have been spent. If it has not been spent, then Buckinghamshire Council would take back the money but it still had to be spent in that local area. It was unclear if the onus was on the town and parish council to return the money or on Buckinghamshire Council to request it after the five-year period. It was agreed that this would be clarified following the meeting.

ACTION: Darran Eggleton

- A member asked why only some CIL information was available online and it was noted that a fee was charged to access some S106 copies. These

discrepancies were due to differences in legacy council systems which were yet to be aligned. A new specific database for CIL and S106 would be introduced which would make processes more efficient and transparent. The Cabinet Member for Planning and Regeneration agreed that this information should be accessible and transparent.

The Chairman thanked the Cabinet Member, Steve Bambrick and Darran Eggleton for attending the meeting.

8 Member Engagement in Planning - Update

The Chairman invited Cllr Chris Poll, who was chairing the rapid review on Member Engagement in Planning to update the Committee on the progress with this piece of work. The following main points were noted:

- The review group held an initial meeting in early November with the Cabinet Member, Gareth Williams, Christine Urry, Head of Planning & Development and some of her team.
- This was a very useful meeting. Members shared some of their experiences with accessing help and updates from planning officers and the staff provided an insight into some of the challenges they have been facing, such as building one team in the new Unitary council against the backdrop of a significant increase in planning applications and having to work remotely due to the pandemic.
- Following on from the meeting, the review group decided to set up two surveys – one for elected members and one for planning staff. These were accessible online and all data received was confidential and anonymised. The surveys closed on 26th November and a summary of the results will be shared with the review group shortly.
- Some initial headlines - 59 members responded, which is a response rate of 40%, with a good mix of new members and members who had previously served on one of the legacy councils.
- Overall, 46% reported having a positive or very positive experience of engaging with the planning service and 25% reported having a negative or very negative experience so far.
- In response to a question regarding the Cabinet Member's proposal to introduce pre-bookable Planning Surgeries for members, the feedback was supportive with 80% of respondents being positive or very positive about the initiative.

Next Steps

- The review group will be meeting via MS teams with a Planning Development Manager from Durham, to discuss their experience of member engagement in planning. As another large unitary authority with a similar planning committee model to Buckinghamshire, Durham will be a useful comparator.
- In January, the review group will meet to consider the evidence that has been gathered and a report with recommendations will be drafted.

The Chairman thanked Cllr Poll for this update.

9 Work Programme

The Select Committee noted the Work Programme.

10 Date of next meeting

17th February 2022 at 10am