



Growth, Infrastructure & Housing Select Committee agenda

Date: Thursday 9 December 2021

Time: 10.00 am

Venue: The Oculus, Buckinghamshire Council, Gatehouse Road, HP19 8FF - Aylesbury

Membership:

D Carroll (Chairman), T Hunter-Watts, M Smith, A Baughan, Q Chaudhry, T Hogg, S Rouse, M Bracken, N Brown, S Chapple, I Darby, M Hussain, C Etholen, C Poll and D Town

Webcasting notice

Please note: this meeting may be filmed for live or subsequent broadcast via the council's website. At the start of the meeting the chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the council is a data controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the council's published policy.

Therefore by entering the meeting room, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should ask the committee clerk, who will advise where to sit.

If you have any queries regarding this, please contact the monitoring officer at monitoringofficer@buckinghamshire.gov.uk.

Agenda Item	Time	Page No
1 Apologies for Absence/Changes in Membership		
2 Declarations of Interest		
3 Minutes		5 - 10
To confirm the minutes of the meeting held on 14 th		

October 2021 as a correct record.

4 Public Questions

Public questions is an opportunity for people who live, work or study in Buckinghamshire to put a question to a Select Committee.

The Committee will hear from members of the public who have submitted questions in advance relating to items on the agenda. The Cabinet Member, relevant key partners and responsible officers will be invited to respond. Further information on how to register can be found here: <https://www.buckinghamshire.gov.uk/your-council/get-involved-with-council-decisions/select-committees/>

5 Buckinghamshire Local Plan

10:10

11 - 14

Buckinghamshire Council has a statutory duty to produce a new Local Plan for Buckinghamshire by April 2025. This presents a valuable opportunity to shape the growth of Buckinghamshire. Members will receive an overview of the key steps necessary in developing the plan and an indication of timescales.

Contributors:

Cllr Gareth Williams, Cabinet Member for Planning and Regeneration

Ian Thompson, Corporate Director, Planning, Growth and Sustainability

Darran Eggleton, Head of Planning, Policy and Compliance

Ian Manktelow, Planning Policy Manager

6 Planning Enforcement

10:40

15 - 20

Members will receive an update on progress and performance in Planning Enforcement following a service restructure earlier in the year. Planning enforcement issues can negatively impact our residents and members are keen to understand the impact of the Local Enforcement and Monitoring Plan (LEMP) which was adopted in June 2020.

Contributors:

Cllr Gareth Williams, Cabinet Member for Planning and Regeneration

Ian Thompson, Corporate Director, Planning, Growth and Sustainability

Darran Eggleton, Head of Planning Policy and Compliance

- | | | | |
|-----------|--|--------------|----------------|
| 7 | S106 and Community Infrastructure Levy (CIL)
The Committee will receive an overview on the collection and monitoring of S106 and Community Infrastructure Levy (CIL) monies. S106 and CIL are also known as developer contributions and can be used to fund local infrastructure projects.

Contributors:
Cllr Gareth Williams, Cabinet Member for Planning and Regeneration
Ian Thompson, Corporate Director, Planning, Growth and Sustainability
Darran Eggleton, Head of Planning Policy and Compliance | 11:15 | 21 - 28 |
| 8 | Member Engagement in Planning - Update
Cllr Chris Poll, who is chairing the rapid review into Member Engagement in Planning, will provide the committee with an update and an indicator of the next steps. | 11:50 | |
| 9 | Work Programme
For members to consider and agree any changes to the Work Programme. | 12:00 | 29 - 30 |
| 10 | Date of next meeting
17 th February 2022 at 10am. | | |

If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

For further information please contact: Kelly Sutherland on 01296 383602, email democracy@buckinghamshire.gov.uk.

This page is intentionally left blank



Growth, Infrastructure & Housing Select Committee

Minutes

MINUTES OF THE MEETING OF THE GROWTH, INFRASTRUCTURE & HOUSING SELECT COMMITTEE HELD ON THURSDAY 14 OCTOBER 2021 IN THE OCULUS, BUCKINGHAMSHIRE COUNCIL, GATEHOUSE ROAD, AYLESBURY HP19 8FF, COMMENCING AT 10.00 AM AND CONCLUDING AT 12.00 PM

MEMBERS PRESENT

D Carroll, T Hunter-Watts, M Smith, A Baughan, Q Chaudhry, S Rouse, M Bracken, N Brown, S Chapple, C Poll and P Brazier

OTHERS IN ATTENDANCE

G Williams, L Michelson, I Thompson, C Ward and Mrs E Wheaton

Agenda Item

1 APOLOGIES FOR ABSENCE/CHANGES IN MEMBERSHIP

Apologies were received from Cllrs I Darby, C Etholen, T Hogg, M Tett and D Town. Cllr P Brazier attended as a substitute for Cllr D Town.

2 DECLARATIONS OF INTEREST

There were none.

3 MINUTES

Two Members requested that their questions regarding Bucks Home Choice and the Council's Homelessness Strategy be reflected in the minutes. These would be added by the Scrutiny Officer.

4 PUBLIC QUESTIONS

There were none.

5 BUCKINGHAMSHIRE STRATEGIC VISION

Cllr G Williams, Deputy Leader and Cabinet Member for Planning and Regeneration, gave a presentation on the draft Strategic Vision document that was contained in the agenda report pack. The establishment of the Buckinghamshire Growth Board had given an opportunity for the strategic leadership of the county to produce the Vision. The purpose was to express a shared ambition and focus on improving the economic, environmental and social health of Buckinghamshire. This single voice would establish priorities for long-term change, set the strategic direction to realise the 2050 goal and bring together the unique selling points in

Buckinghamshire. The final document intended to be broad and far-reaching with details being linked to existing and future policies and strategies of the Council.

There were a number of challenges that the Vision would face which included:-

- Lack of affordable and accessible housing;
- Poor digital connectivity which impacted business development;
- Poor air quality in parts of the county;
- Shortage of skills and labour in key growth sectors;
- Limited infrastructure compared to housing growth.

The Vision aimed to support successful businesses and careers in Buckinghamshire through enhancing physical and digital connectivity and capitalize on economic super sectors (e.g. Silverstone, Westcott, and Pinewood). Alongside this, creating flexible spaces would enable flourishing industries and small-medium enterprises (SMEs) to develop. Current technology clusters and the four Enterprise Zones in Buckinghamshire would be enhanced. The Vision also aimed to harness a thriving culture, heritage and natural environment as the Council aimed to achieve net zero by 2050 and improve the use of sustainable resources. The Cabinet Member highlighted a number of Buckinghamshire's cultural assets which included the Roald Dahl Museum, green spaces and 1,500km of rivers and chalk streams. Finally, the Vision intended to make Buckinghamshire a vibrant location that was connected in rural and urban communities.

Members were asked for their comments and feedback as follows:-

Buckinghamshire Strategic Vision feedback

- A number of Members felt that there was a generic tone in the Vision and that the document would benefit from the inclusion of timescales, a more ambitious concept map and key indicators for delivery. Although there was merit in including timescales, the Cabinet Member felt that the relevance of specific key indicators may shift over the next 10-20 years.
- Indicate more than two skills hubs on the 2050 concept map in order to show that Buckinghamshire's skills shortage was being addressed.
- The Vision could provide more impact by being more concise and avoiding repetitive language (e.g. 'sustainable') and corporate language. It was not clear that the Vision intended to attract investment into the county, particularly from SMEs, so the corporate nature may not appeal to SMEs.
- Connectivity within Buckinghamshire would challenge the strategic ambition of creating successful businesses and careers. It was suggested that the Vision sought to improve connectivity between the East and West of the county and should recognize that the current transport infrastructure did not meet current needs.
- The Vision needed to address the pressures on the local labour market and affordable housing. The Cabinet Member for Housing, Homelessness and Regulatory Services was already working to address this issue and it would feature as part of the Buckinghamshire Local Plan.
- It should be made clearer that the Vision was designed to be an overarching document to cover all the strategic ambitions. The detail of its delivery would be through strategies and policies, and also work from other bodies such as Health & Wellbeing Boards and Local Economic Partnerships. The Select Committee would have a role in monitoring this progress.
- It was suggested that more detail on the productivity data would be beneficial in order to identify whether goods and services met the needs of residents.

- It would be beneficial for the document to facilitate the Council's policy of being net zero by 2050 and reference the electric vehicle infrastructure that would be required.
- The roadmap milestones could be expanded upon to include more granular detail (e.g. skills) but further detail would be part of the Buckinghamshire Local Plan.
- Reference to Cross Rail should be included along with other train lines referenced in the document.
- Job facilitation to match skills with vacancies was important and could be referred to in the Vision.

Themes from discussion regarding the vision

- The Council was exploring opportunities with the Department of Work and Pensions to address Buckinghamshire's skills shortage to target funding towards shortages in the public and private sector.
- Buckinghamshire was in the second procurement wave of Project Gigabit. The indicative timetable was that procurement would take place in Spring 2022. Members were encouraged to highlight gaps in broadband and fibre coverage in their wards to officers so that they could be addressed as part of Project Gigabit.
- Sustainable travel needed to be delivered in the rural areas of Buckinghamshire as well as urban.
- Infrastructure connectivity between the technology clusters and employment sites would feature in the Buckinghamshire Local Plan. The Vale of Aylesbury Local Plan (VALP) had secured £172m Housing Infrastructure Funding (HIF) which was contributing towards the South East Link Road and other key infrastructure projects around Aylesbury.
- The resolution of roads and long-term transport was linked to planning and new developments and the emerging Transport Strategy would work towards this. The Council was also tied into two connectivity studies through England's Economic Heartlands which would look at the internal roads in the county.
- The adopted VALP required developments of more than 11 homes to provide electric vehicle charge points at each home or car park and HIF funding had been secured to safeguard demands on the power grid.
- Buckinghamshire was the third lowest growth area in England between 2014 – 2018 which was attributed to skills shortages and high vacancy rates.
- The Council had submitted bids for Levelling Up Funds across each of the five Parliamentary constituencies across Buckinghamshire. Levelling up was required within the county to address issues such as social mobility and food accessibility. Additionally, the Buckinghamshire County Deal, 'Succeeding as a Place, Succeeding as a County', would address local levelling up need and assist the national program.
- The Cabinet Member for Finance, Resources, Property and Assets and the Deputy Cabinet Member for Resources were addressing concerns regarding customer service.

The Chairman thanked the Committee for their questions and input and welcomed the Vision returning to Members in future.

6 SUPPORTING BUCKINGHAMSHIRE'S HIGH STREETS

Cllr G Williams, Deputy Leader and Cabinet Member for Planning and Regeneration, gave a presentation on work carried out and future plans to support Buckinghamshire's high streets following the pandemic. Nearly £1m Government funding had been secured as part of the 'Reopening High Streets Safely Fund' and 'Welcome Back Fund'. The Community Boards had also engaged with Parishes and local organisations during the reopening of high streets. The Additional Restrictions Grant (ARG) had offered £18m of financial assistance to businesses through a quick, simple, non-

bureaucratic process. Buckinghamshire had been the second quickest authority in the country to distribute these funds and feedback had been positive.

Buckinghamshire still had money to allocate as part of the Welcome Back Fund. All spend and delivery required completion by 31 March 2022. There were currently 44 events under consideration for funding with most originating from Community Boards. As the funding was European, there were strict criteria and procurement rules to follow. There were six themes to the fund:-

1. Support and develop an action plan for how the local authority will safely reopen local economies;
2. Communications and public information;
3. Business-facing awareness;
4. Temporary public realm changes;
5. Promote a safe public environment for the local area economy;
6. Support local authorities to develop plans for responding to medium term impact of Covid-19 including trialling new ideas relating to the high street.

Forthcoming activities were also highlighted which included:-

- Place promotion
- Online retail innovation pilot
- Business survey
- Seasonal events and activities
- Christmas campaign
- Beautification of the high street

In response to questions the following points were raised:-

- Members commended the speed of the ARG distribution and the community activities that were being organised as part of the return to high streets.
- It was preferable for the funding to be spent towards activities that offered a longer term impact, for instance through purchasing light machines, which would assist with the council's regeneration agenda.
- The Council had streamlined the pavement license process so that businesses could operate in an alfresco or café style. Due to the scheme's popularity with businesses and residents, it had been extended until September 2022. The number of these licenses granted would be investigated and fed back to the Committee.

ACTION: L Michelson

- The funding had been used to purchase footfall monitoring equipment which would provide key baseline data on the high streets. It would be investigated whether the maximum value had been purchased and where the equipment would be set up.

ACTION: L Michelson

- A Member requested that the comparative data for the national distribution of the ARG be shared with the Committee.

ACTION: L Michelson

- As the high streets fund was prescribed, each Community Board had working groups and funding towards long-term economic recovery projects.
- The 'Being Considerate' campaign aimed to address mental health concerns following reopening high streets. The Committee would be advised of this cost separately.

ACTION: L Michelson

- Plans for business rates would be reported in future as part of the budget process.

- The reopening project was being carried out by officers in the Economic, Growth and Recovery team. Elements of the project, such as communications, had adapted based on feedback and lessons learnt.
- The markets and market traders were important during the lockdowns as they offered shopping in an outside space. Short term street closure events to promote footfall in town and village centres may be considered in future.
- The Government had supported local schemes of free parking. Now this funding had ceased, the council's budgetary constraints meant that free parking would be difficult to offer in future. The high streets fund could not be used to subsidise parking due to prescriptive criteria exempting council expenditure.

The Chairman thanked the Cabinet Member and the officers for the speed of distributing the funds and work carried out to reopen high streets.

7 WORK PROGRAMME

RESOLVED –

That the work programme be agreed.

8 SCOPING DOCUMENT FOR RAPID REVIEW - MEMBER ENGAGEMENT IN PLANNING

The Committee received a scoping document to carry out a rapid review on Member engagement in the planning process. The Chairman of the review would be Cllr C Poll and the review intended to focus on improving the process between planning, Members and residents. An update from the review would come back to the Committee in December.

The Chairman asked for Members to volunteer to attend a number of meetings for the rapid review. Volunteers were as follows:-

Cllr C Poll (Chairman)
 Cllr A Baughan
 Cllr M Bracken
 Cllr P Brazier (attended this meeting as a substitute)
 Cllr N Brown

Any other volunteers outside the meeting were invited to contact the Chairman separately.

RESOLVED –

That the rapid review scope document be agreed.

9 DATE OF NEXT MEETING

The next meeting would be on Thursday 9 December at 10am.

This page is intentionally left blank



Report to Growth, Infrastructure and Housing Select Committee

Date:	9th December 2021
Title:	Buckinghamshire Local Plan update
Cabinet Member(s):	Cllr Gareth Williams
Contact officer:	Darran Eggleton/Ian Manktelow
Ward(s) affected:	All
Recommendations:	To note the progress and current issues in relation to the Buckinghamshire Local Plan
Reason for decision:	To ensure the Committee is kept up to date with the progress of the Plan.

1. Executive summary

- 1.1 This report is prepared in order to provide an update on the progress of the Buckinghamshire Local Plan to the Growth Infrastructure and Housing Select Committee.

2. Content of report

- 2.1 As Member's will be aware the Council is starting preparation of the new Buckinghamshire Local Plan. This report updates the Committee on progress to date on the Plan and the current issues concerning the preparation of the Plan.
- 2.2 The Council has a statutory duty to prepare a new Local Plan for Buckinghamshire by April 2025. More importantly, however, the Plan provides a major opportunity to shape the growth of Buckinghamshire over the next 15 years or so. The Plan will complement the work of the Buckinghamshire Growth Board on the Vision for Buckinghamshire and also the Recovery and Growth Proposal, setting out the spatial vision and proposals for the growth of the area up to 2040. It will also be critical to the day to day planning application decisions that the Council as planning authority takes, as once adopted (or significantly progressed)

the Local Plan is the prime consideration in those decisions. It shapes in detail not just where development takes place but also the quality of the development and secures the infrastructure (or funding for infrastructure) to support it.

- 2.3 Previous reports to members and member briefings have highlighted the significant uncertainty that the current Planning reforms create in the preparation of the Buckinghamshire Local Plan. Those uncertainties are heightened at present as the Government reviews the reforms that will (and won't) be included in the Planning Bill that was announced in the last Queen's Speech.
- 2.4 We want to make good progress with the new Plan but there is also a risk of undertaking abortive (and costly) work. Originally it was intended that the Planning Bill would be published towards the end of the year, but it seems this is unlikely to happen although we anticipate some kind of response from the government 'this winter', although there are no formal indications of any revised timescales. Once published, it will take a significant amount of time for bill and for secondary legislation to progress through parliament, and for national planning policy and guidance to be revised.
- 2.5 As such work has been focusing on putting the building blocks in place for when the new system starts, as the much faster timetable for preparing local plans (if this element of the Planning White Paper is taken forward) will mean we will need to "hit the ground running" to prepare and independently examine a plan within 30 months from start to finish. Key areas of work undertaken include:
- Agreeing the Local Development Scheme – the work programme for the Plan
 - Preparing a Statement of Community Involvement setting out how people can be involved in planning, including the preparation of local plans. (The final version of this is due to the go to Cabinet in December 2021).
 - A brownfield call for sites – seeking suggestions for new brownfield development to consider as part of the Plan so we can optimise the level of brownfield development proposed in the Plan.
 - Early dialogue with council members around some key themes, notably around brownfield development, regeneration, and density and quality.
 - Getting our systems right, including a new system for consulting the public as we prepare the Plan.
- 2.6 We now want to engage more widely with communities and stakeholders on the key issues for the Plan. This started at the end of November. This will include a questionnaire survey seeking views on the key issues that should shape the Plan. This will be available online and publicised with the intention of reaching people who don't usually get involved in plan making. The survey will be publicised on the website, in social media and at local libraries. Hard copy comments will also be accepted so that the engagement is inclusive. The survey will be highlighted to key contacts at on-line events in December and January. The close date for comments will be extended to mid Feb so that there is a good opportunity for people to get involved. This work will be accompanied by a second call for brownfield sites to ensure

we capture as many potential brownfield site opportunities as possible before considering other options.

- 2.7 We would encourage members to participate in both the questionnaire survey and the brownfield call for sites, and to encourage their communities to also get involved too. Two all Member briefing sessions are planned for 6th December 2021.
- 2.8 Looking ahead, despite the uncertainty, in 2022 we will start developing in earnest the extensive evidence base required for a local plan. Initially this will focus on understanding and developing the range of site options for how we meet the development requirements of our area, both housing and other forms of development. We will also commence a number of other areas of technical work. In addition, whilst we have the current local plans system (and potentially under any new system), it is important to continue to develop dialogue and collaboration on strategic planning issues with other local authorities and key agencies to ensure that the Council can satisfy the statutory “Duty to Cooperate”.
- 2.9 Perhaps the most fundamental strategic planning issue affecting the Plan will be the proposals that will emerge for the Oxford to Cambridge Arc. The Government proposes to introduce a Spatial Framework for the Arc which will have the status of a National Planning Policy Statement. This is the same status as the National Planning Policy Framework. One of the tests for preparing a local plan is that they are “consistent with national policy”. As such the content of the Spatial Framework will be a very important consideration in developing the Local Plan. The Government recently consulted on “Creating a Vision for the Oxford - Cambridge Arc” and the Council submitted a substantial response to that consultation.
- 2.10 The longer term programme for preparing the Buckinghamshire Local Plan will depend on the outcome of the planning reforms and in particular the content of the Planning Bill and subsequent changes to national planning policy. As is often the case with major legislative or policy change, there may well be transitional provisions, and careful account will need to be taken of these when they are available. The Council will need to be prepared to be flexible and adapt its approach to how it prepares the Plan going forward.
- 2.11 It is suggested that a further report is brought to this committee when there is greater certainty around the Planning Bill and other elements of the planning reforms, to consider their implications for the Buckinghamshire Local Plan.

3. Other options considered

- 3.1 Not applicable at this stage.

4. Legal and financial implications

- 4.1 There is considerable uncertainty about the legal basis for preparing the Buckinghamshire Local Plan going forwards. At present local plans have to be prepared within the legislative framework provided by the Planning and Compulsory Purchase Act 2004 and the relevant associated regulations, but this may change.

- 4.2 A budget of £750,000 per year for 4 years has been identified to fund the preparation of the Plan. Only a small amount has been spent to date, but this will increase significantly in 2022 as work on the technical evidence base increases.

5. Corporate implications

- 5.1 There are wide ranging corporate implications of preparing the Local Plan. It provides the opportunity to provide the spatial expression of the Council's Vision for Buckinghamshire. It also provides the opportunity to embed issues of climate change mitigation and sustainability into our planning decisions through the development of new policies and proposals. There may well be implications for the Council's property assets too.

6. Local councillors & community boards consultation & views

- 6.1 The report highlights that we are about to commence a period of early engagement on the Plan and members are encouraged to participate in that and encourage members of their community to get involved too.

7. Communication, engagement & further consultation

- 7.1 The report refers to early engagement already carried out and further engagement due to commence at the end of November.

8. Next steps and review

- 8.1 To commence a period of early engagement on the issues for the Plan and start developing the more detailed evidence base for the Plan.

9. Background papers

- 9.1 Buckinghamshire Local Development Scheme

<https://www.buckinghamshire.gov.uk/planning-and-building-control/local-development-plans/local-development-scheme/>

Creating a Vision for the Oxford - Cambridge Arc

[Closed consultation overview: Creating a vision for the Oxford-Cambridge Arc - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/creating-a-vision-for-the-oxford-cambridge-arc)

National Planning Policy Framework

[National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/national-planning-policy-framework-guidance)



Report to Growth, infrastructure and Housing Select Committee

Date:	9 th December
Title:	Planning Enforcement
Relevant councillor(s):	Councillor Gareth Williams
Author and/or contact officer:	Darran Eggleton
Ward(s) affected:	All Wards
Recommendations:	It is recommended that the Committee note the report for information.

1. Executive summary

- 1.1 This report is prepared in order to provide an overview of the planning compliance and enforcement service to the GIH select committee.

2. Content of report

Planning Enforcement

- 2.1 Since the last report to the GIH Select Committee in March 2021 the team have continued to provide a robust planning enforcement service, taking a no-nonsense approach where appropriate.
- 2.2 The team addresses breaches planning control in a firm but fair way, taking strong and justified enforcement action against breaches where appropriate. This approach means that the Council complies with the relevant legislative framework whilst providing a service which maintains the public's confidence in the Council being able to perform its duties.

Team structure and service improvements

- 2.3 In the past 8 months, the team has completed a management restructure which has resulted in a stable and effective Leadership team. The team is managed by a team manager, Gemma Davies, appointed in February 2021.

- 2.4 The next tier of the leadership structure was completed in September 2021 and resulted in the appointment of 2 area team leaders, Stephanie Penney and Olivia Stapleford.
- 2.5 The team is now split geographically into 2 area based teams. Stephanie Penney is responsible for the West, East and South planning areas whilst Olivia Stapleford is responsible for the North and Central.
- 2.6 This new Leadership structure has provided some much needed leadership structural stability and has allowed the team to address some key strategic issues as well as progress some key cases. The leadership structure has helped to bring the teams together as a single planning enforcement service, provide a uniformed approach to back office systems and to address inconsistencies in service delivery across the Buckinghamshire Council area.
- 2.7 Examples of this work includes a newly created notices template directory and the uniform use of the Council database.
- 2.8 The above mentioned points have created a strong and stable foundation upon which the teams have been able to move forward with service improvements including its efficiency and effectiveness.
- 2.9 In the meantime, the team have continued to increase the number of formal notices issues and maintained a high performance in enforcement notice appeals. The team has also commenced a review of the cases in hand and a review of extant formal notices.
- 2.10 The team will be producing a 'Members Guide to Planning Compliance and Enforcement' and will also be providing member training in the coming months. The team provides quarterly updates to the area planning committees and use these meetings to liaise with the committee members and seek their feedback. We are also consulting the committees on any specific training needs to incorporate into our member training.

3. Vacancies

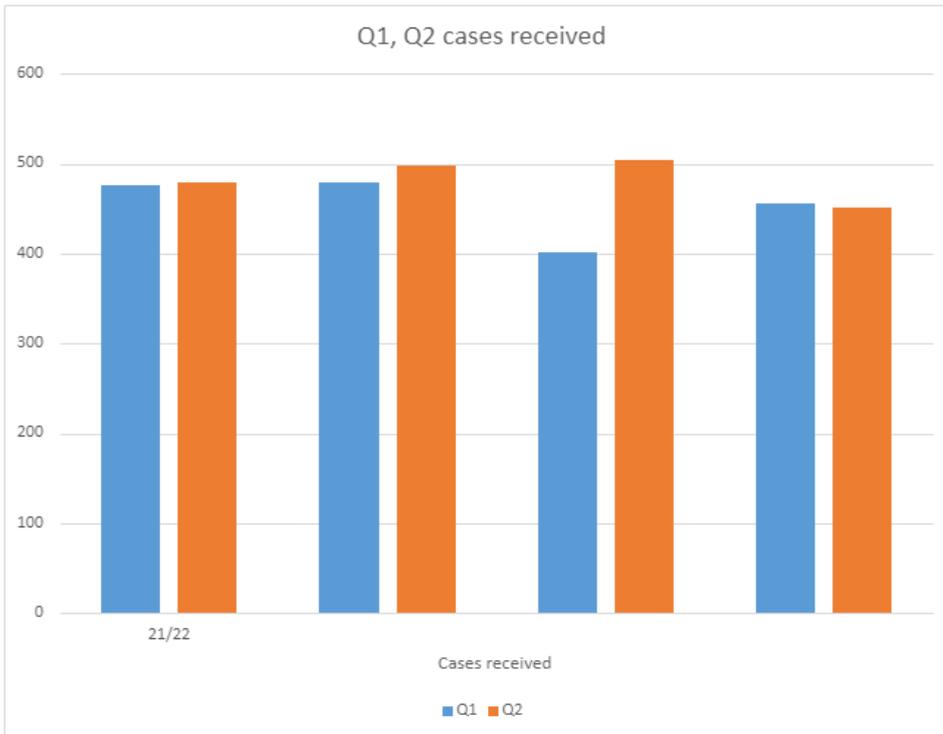
- 3.1 At present the team have 3 vacancies. These vacancies are all going through the recruitment process and we anticipate filling those vacancies in the coming months.

4. LEMP Review

- 4.1 The Local Enforcement and Monitoring Plan (LEMP) was adopted by Cabinet in June 2020. The LEMP sets out that a review of the document would take place within 3 years of its adoption.
- 4.2 At this stage we feel that the LEMP continues to be relevant and therefore we intend to commence a formal review of the LEMP in Quarter 2 of 22/23.

5. Performance

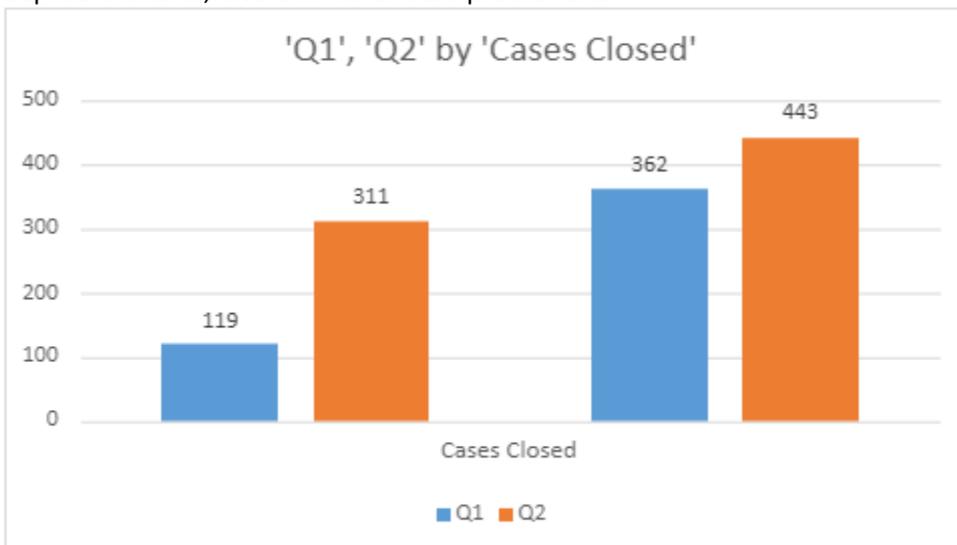
- 5.1 In the first 2 quarters of 21/22, the team received 907 new reports of alleged breaches of planning control. This is similar to the number of new reports received by BC in 2020/21 and also similar to the combined number of cases for the 5 legacy authorities during the previous same period over the previous 2 years.
- 5.2 On average the team receive around 450 cases per quarter.



5.3 During the same period, the teams closed 805 cases following investigation. This is a 187% increase in the number of cases closed in the same period in 20/21.

5.4 The implementation of the leadership structure has allowed significantly more focus on the team backlog of cases. This focus has included case surgeries for decision making, and expediency decision and authorisations to take place on a far more regular basis.

This focus has continued into Qtr 3 where a program of review has commenced to assess the cases in hand as a whole. This has already seen vast numbers of old cases being closed down. The reasons for these closure have been varied but include to lack of expediency, duplicate entries, errors in the closure process etc.



- 5.5 Over the past 8 months, the team has continued to increase the number of formal actions taken against breaches of planning control across the Council area.
- 5.6 In the past 2 quarters we have issued 24 enforcement notices. This is a small increase in the number this time last year but, due to some progress in some key cases, we anticipate the total number of notices issues this financial year will significantly increase beyond last year's total.

6. Appeal performance

- 6.1 The increase in the number of enforcement notices over the past 18 months has resulted in an increase in the number of appeals we receive. We currently have 28 appeals in hand.
- 6.2 However, our performance on enforcement notice appeals remains very high. We have a 6.5 out of 7 appeal success rate. The 0.5 loss was a split decision where an Inspector allowed permission for a small car park within a much larger site.
- 6.3 The high performance on appeals is a direct endorsement from the Planning Inspectorate that the Council are making the correct decisions in their planning Enforcement Notices.

7. Customer service/Customer experience

- 7.1 Over the past 8 months the team have been pursuing a number of initiatives in an effort to free up more officer resource to enable a better focus on customer service.
- 7.2 The appointment of the area team leaders has provided team management stability and the introduction of activities like dedicated and focussed case conference sessions, and a change in the way in which corporate complaints are dealt with within the team, has helped re-direct case officer time to their tasks in hand. These initiatives are all in the interest of freeing up officer time so that customer service is a fundamental part of the enforcement service.
- 7.3 In order to streamline the customer journey from the outset, we are promoting the use of a single reporting channel via the planning enforcement web form. We now have one web form for all parties to use to report alleged breaches of planning control and whilst this currently requests the reporter to manually select the legacy area, in due course this will become automatic, depending on the address of the breach.
- 7.4 In addition to the above (and to the work being undertaken/reported to the Planning Improvement Board) we also undertake periodic management reviews and overview of our service area complaints so that we can better understand the reasons for complaints being lodged.
- 7.5 As part of our continued compliance with the Local Enforcement and Monitoring Plan we continue to notify the relevant Town or Parish Council following the issue and service of a Planning Enforcement Notice. We hope that this helps the Town and

Parish Council have an awareness of the formal enforcement action that we have taken in their area.

- 7.6 Finally, we continue to explore potential IT solutions for improving the public's self service to our systems.

8. Next steps and review

- 8.1 This paper is for information and therefore recommends that the committee note its content.

This page is intentionally left blank



Report to Growth, infrastructure and Housing Select Committee

Date:	9 th December
Title:	Section 106/CIL Overview
Relevant councillor(s):	Councillor Gareth Williams
Author and/or contact officer:	Darran Eggleton
Ward(s) affected:	All Wards
Recommendations:	It is recommended that the Committee note the report for information.

1. Executive summary

- 1.1 This report is prepared in order to provide an overview of the CIL and S106 function to the GIH select committee.

2. Content of report

S106 Agreements

- 2.1 Section 106 agreements are legal documents between the local authority and developers. These are linked to planning permissions and can also be know as planning obligations.
- 2.2 Section 106 agreements are drafted by officers when dealing with planning applications where it is considered that a development will have significant impacts on the local area that cannot be mitigated by the imposition of planning conditions. For example, a new residential development may create additional pressure on existing social, physical and economic infrastructure and a section 106 may require the developer to provide financial contribution to contribute towards Affordable housing, education, highways, parks etc.
- 2.3 Section 106 agreements will aim to balance the pressure created by the new development predominantly by securing financial developer contributions in order for the Council to provide improvements to the surrounding area to ensure that, where possible, the development makes a positive contribution to the local area and the community.

- 2.4 Section 106 agreements will vary in nature depending on the type of development and its impact on an area. The most common s106 agreements consider Public Open Space, Affordable Housing, Education, Highways, Health, Public Realm Improvements.
- 2.5 Most section 106 agreements have a 'clawback' clause to allow the developer to recover any paid financial contributions that have not been spent by the Council with the relevant period of time. In most cases, that period of time is 10 years.
- 2.6 Less commonly, section 106 agreements can be used to secure the prevention of activities so as to make an application acceptable in planning terms. An example of this could be preventing subsequent conversion of roof space into habitable floor area (perhaps for Green Belt reasons).
- 2.7 Buckinghamshire Council provide overview information on Section 106 agreements on the website at <https://www.buckscc.gov.uk/services/transport-and-roads/highway-development-management/legislation-policy-and-guidance/planning-obligations/>

Agreement Monitoring and clawback clauses

- 2.8 Once a Section 106 has been made and legally 'sealed', it forms part of the planning permission decision and a copy is sent to the monitoring team.
- 2.9 The relevant team monitors the compliance of agreements over the course of the relevant time periods. This includes any clawback clauses.
- 2.10 Once a quarter, as part of our overall monitoring practice, officers review all sections 106 agreements in order to track the expenditure/allocation of funds to their specific projects and to highlight any agreements that are within 1 year of their 'clawback' clause being able to be triggered.
- 2.11 During this review Officers will raise their concerns with the relevant officers and with officers of an appropriate seniority (HoS/Director) in regards to funding that has not been allocated to a project and are within 1 year of clawback. The officer will bring those agreements into focus and seek to unblock any blockages and to ultimately eradicate any risk of a clawback clause being used.
- 2.12 As set out above, in most cases the clawback clause can be triggered if funds are not spent within 10 years of receipt. It is considered that the existing process of highlighting those within 1 year of clawback is an insufficient time period. Officers propose to extend this period by an additional year in order to highlight these cases a year earlier (ie. bring into focus those with 2 years to go).
- 2.13 As part of the team restructuring officers intends to implement a new review procedure which will highlight all agreements within 2 years or their clawback clause.
- 2.14 In the meantime, it is important to note that to date Buckinghamshire Council has handed back no money to the developer through the clawback clause.

CIL – Community Infrastructure Levy

- 2.15 Community Infrastructure Levy (known as CIL) is a financial charge (or tax) on development to contribute towards the provision of local infrastructure.
- 2.16 The governance for CIL is set out in the Community Infrastructure Levy Regulations 2010.
- 2.17 CIL is charged on a £ per square metre basis and is calculated using the adopted charging schedules. These charging schedules include charges for residential and commercial/retail.
- 2.18 At present Buckinghamshire Council has CIL in place covering development in the West, East and South Planning Areas (although the charging schedules differ across those areas). There is no CIL in place for the North and Central Planning Areas.
- 2.19 It is important to note that CIL is only applicable to development that meet certain criteria, namely;
- Developments which involve the creation of new dwellings or,
 - Developments that create an additional internal floor area of 100m² or more.

Any development that does not meet that criteria is not liable to CIL payment.

Charging Schedules

- 2.20 The West Area charging schedule is as follows

Category	Price (per square metre)
Residential Zone A (High Wycombe, Lane End, Stokenchurch)	£185.83
Residential Zone B (rest of District)	£222.99
Large Scale Retail	£297.32
Small Scale Retail (and other chargeable development)	£185.83

All other development including B, C1, C2 and D uses are charged at £0 per square metre

- 2.21 The East and South Area charging schedules are identical and are as follows:

A1-A4	£149.55/sqm
B1, B2, B8	£34.90/sqm
C1, C21, C2A	£34.90/sqm
C3, C4	£149.55/sqm
D1, D2	£34.90/sqm
Sui Generis	£34.90/sqm

All development types unless stated otherwise in the table of the adopted Charging Schedule
£34.90sqm

Large sites of 400 homes or more (gross) or 10 hectares or more (gross) irrespective of land use** £0/sqm

**Large sites are defined as any site allocated in an emerging/adopted Local Plan with 400 homes or more (gross) or 10 hectares or more (gross), irrespective of land use and include any parcel within a Large Site irrespective of the size of the parcel.

*C3 includes all self-contained accommodation, including elderly and sheltered accommodation and self-contained student accommodation.

- 2.22 More information on the relevant charging schedules can be found on the Council's website at <https://www.buckinghamshire.gov.uk/planning-and-building-control/planning-services-and-fees/>

Payments

- 2.23 It is important to note that following the grant of a CIL liable planning permission, the payment of CIL is due to be paid within 60 days of the commencement of the development.
- 2.24 These payments are monitored by the CIL monitoring officers and when appropriate issue out invoices/demand notices for payment to be made. There are cost implications in terms of a fine and late payment interest should the developer fail to make the payment.

Exemptions

- 2.25 Part of the Community Infrastructure Levy Regulations 2010 sets out that a number of exemptions and relief from paying CIL. These are relatively narrow but include:

Exemption for minor development (ie. under 100m²),

Exemptions for Charities,

Relief for Self Build,

Relief for Charity development,

Relief for Social Housing

Discretionary relief for exceptional circumstances.

Expenditure of CIL

- 2.26 The CIL regulations set out that the CIL financial contributions collected by the Council must be spent on “funding infrastructure to support the development of its area”.
- 2.27 Upon receipt, the contributions are split up internally in the following way:

Table 1 – CIL funding split

% of CIL	Funding location
5%	Admin fee for the administration of CIL.
15%/25%	Town and Parish Council Share
70%/80%	Capital Program Projects

Town and Parish Council (Meaningful proportion)

- 2.28 The CIL regulations require the Council to pass a proportion of CIL funds raised to the relevant Town or Parish Council/s. The figure is 15%, subject to an annual cap. The cap is equivalent to £100 per dwelling in the parish. When development is built in an area covered by a neighbourhood plan, the parish council will receive a higher CIL proportion of 25%, uncapped.
- 2.29 At present the Council notify the Town and Parish Council once the relevant CIL funds have been received. Please note that we do not notify Town and Parish Council’s upon the grant on planning permission because the CIL payment is not due until 60 days **after** the development has commenced. There is a plethora of reasons as to why a development may not be implemented (duplicated application, funding, alternative permission etc) and therefore we notify upon receipt of the funds.
- 2.30 Whilst the Council notify the Town and Parish Council’s upon receipt of the CIL funds, this fund is collected by the Council and passed on to the relevant Town or Parish Council every 6 months, normally in October and April.

Town and Parish Council Expenditure

- 2.31 The Parish Council can spend their CIL on *“providing, improving, replacing, operating or maintaining infrastructure that supports the development of the Local Council area or anything else concerned with addressing the demands that development places on the area.”*
- 2.32 You will note that this is a wider definition compare to what Buckinghamshire Council can use CIL funds for. These wider spending powers allow the local community to decide what they need to help mitigate the impacts of development.
- 2.33 If a parish council has failed to spend CIL funds passed to it within 5 years of receipt (or has applied the funds not in accordance with the Regulations) then Buckinghamshire Council can serve a notice on the parish council requiring it to repay some or all of the receipts passed. The District Council will be required to spend any recovered funds in the parish council’s area.

Infrastructure Funding Statement

- 2.34 The Infrastructure Funding Statement (“IFS”) is a document that the Council are required to produce and publish by the 31st December each year. The IFS is a backward looking document which reviews and documents the income and expenditure of developer financial contributions.
- 2.35 Buckinghamshire Council produced a IFS for 2019/20 looking back at the legacy authorities’ infrastructure funding. The document for 2020/21 is in its final draft and will be published on the Council’s website ahead of the 31st December 2021 deadline.

3. Team Structure

- 3.1 At present, following the Unitary merge, the monitoring and enforcement of Section 106 and CIL is split across 2 Directorates, namely Planning and Environment (“P&E”) and Strategic Transport and Infrastructure (“ST&I”).
- 3.2 As part of the P&E service review the S106 and CIL monitoring and Enforcement officers were placed into the Policy and Compliance service. The STI service review has recently commenced and is due to be completed in Q1 22/23.
- 3.3 At present the officers across those Directorates are seeking to amalgamate those teams into one, so that the Officers responsible for the Monitoring and Enforcement of CIL and S106 sit in a single team under one Manager and one Head of Service.
- 3.4 As yet it has not been agreed as to the final location of that team or and the allocated resource.

4. Audit

- 4.1 On the 23rd November the Council commenced an internal audit of the S106 and CIL function. This Audit will take place over a period of 12 days with a final report propose in January 2021.
- 4.2 The Audit will look at:
- Policies Procedures and Strategy
 - External Policy Guidance
 - Development of S106 Agreements
 - Determining CIL Contributions
 - Receipt of Income
 - Utilisation of Monitoring of Expenditure
 - Infrastructure Funding Statement

5. Planning White Paper (CIL & S106 VS NIL)

- 5.1 As you will be aware, in August 2020 the government consulted on proposed changes to the Planning System. One of those proposals was in relation to bringing in a National Infrastructure Levy (NIL) to replace the way that Councils collect developer contributions, including the potential abolition of section 106 agreements.
- 5.2 The government's response to the public consultation of their Planning system proposals was expected to be published in late 2020. However, following the government's cabinet reshuffle and Michael Gove's announced intention to overhaul the planning proposal, we still await that response as to what the government intend to do in relation of developer contributions.
- 5.3 At this stage, we are led to believe that we will hear more in this winter.

6. Allocation of funds and bidding process.

- 6.1 This reports seeks to provide an overview of the CIL and S106 monitoring function and therefore as a result does not provide overview or detail on how monies collected through CIL or Section 106 are spent.

7. Next steps and review

- 7.1 This paper is for information and therefore recommends that the committee note its content.

This page is intentionally left blank

Growth, Infrastructure and Housing Select Committee (Chairman: David Carroll, Scrutiny officer: Kelly Sutherland)

Date	Topic	Description & Purpose	Lead Officer	Contributors
17 February 2022	MHCLG pilot Planning Design Code	To review the code ahead of public consultation.	Steve Bambrick	Gareth Williams, Steve B
	Digital Infrastructure	For members to understand and feedback on the next steps for digital infrastructure in Bucks including broadband rollout.	Lisa Michelson	Martin Tett, Steve B
	Homelessness Strategy	For members to understand the long-term plans and provide feedback.	Nigel Dicker	Mark Winn – Dep CM Strategy must be in place by 31 st March
	Town Centre regeneration – to include smaller towns and villages	To look at town centre generation and understand and provide input on work and projects being undertaken.	Lisa Michelson	Jocelyn Towns
	Princes Risborough Relief Road	To receive details of the issues raised during the public consultation.	Joan Hancox	Gareth Williams, Joan
7 April 2022	Buckinghamshire Local Plan – Update	For members to assess progress made to date on the Local Plan.	Steve Bambrick	Gareth Williams, Steve B
	Skills discussion	To assess the development of the strategic partnership on skills with DWP. <i>BC looking to develop a strategic partnership with DWP on skills. Also what can BC do as a major employer.</i>	Lisa Michelson	Martin Tett, Lisa

This page is intentionally left blank