



# Buckinghamshire Council

## Growth, Infrastructure & Housing Select Committee

### Minutes

**MINUTES OF THE MEETING OF THE GROWTH, INFRASTRUCTURE & HOUSING SELECT COMMITTEE HELD ON THURSDAY 15 FEBRUARY 2024 IN THE OCULUS, BUCKINGHAMSHIRE COUNCIL, GATEHOUSE ROAD, AYLESBURY HP19 8FF, COMMENCING AT 10.00 AM AND CONCLUDING AT 11.58 AM**

#### **MEMBERS PRESENT**

D Carroll (Chairman), T Hogg, A Baughan, Q Chaudhry, I Darby, Maz Hussain, N Marshall, S Morgan, C Poll, D Town, S Wilson and P Brazier

#### **OTHERS IN ATTENDANCE**

T Fowler, S Ali, J Callaghan, E Owens and P Strachan

#### **Agenda Item**

##### **1 APOLOGIES FOR ABSENCE/CHANGES IN MEMBERSHIP**

Apologies had been received from Councillors Nic Brown, Sue Chapple, Carl Etholen and Tom Hunter-Watts.

Councillor Peter Brazier attended as a substitute for Councillor Nic Brown

Cllr Simon Rouse was no longer a Member of the committee.

Cllr Susan Morgan was now a Member of the committee.

##### **2 DECLARATIONS OF INTEREST**

Cllr Chris Poll declared an interest in item 8, due to their spouse's work as a director for the Health on the High Street initiative.

##### **3 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 23rd November 2023 were confirmed as a correct record subject to an amendment to item 5, to note the request for Planning Performance information broken down by planning committee area to be provided to the committee.

##### **4 PUBLIC QUESTIONS**

## **5 CABINET MEMBER UPDATE**

The Cabinet Member invited Members to contact them with any queries regarding recent Planning Enforcement action in Winslow.

## **6 CIL/S106 UPDATE**

The Chairman welcomed Councillor Peter Strachan, Cabinet Member for Planning and Regeneration, and John Callaghan, Transport Strategy Funding Manager to the meeting. The Cabinet Member highlighted the following from the report:

- The Community Infrastructure Levy (CIL) and Section 106 agreements (S106) were key mechanisms supporting the funding of infrastructure.
- Before April 2020, the legacy councils had different approaches and the Council had had to use costly contracted staff.
- In December 2022 responsibilities to manage, monitor and report on CIL and S106 were integrated into one team. Information on databases has been checked and consolidated to make data more usable and make best use of funds. Specialist software, Exacom, has been extended across the county, supported with staff training, and resilience had been improved. The backlog had been reduced and there were no longer any contract staff employed.
- New KPIs had been introduced to ensure best use for S106 funds before they expired and to monitor CIL performance.
- Next steps include:
  - A continued focus on performance
  - Reviewing the scope for CIL on a county-wide basis
  - Reviewing S106 wording to ensure a streamlined and clear process across the county

During the discussion, comments and questions were raised by the Committee and brought out a number of points:

- As of April 2023, approximately £1.5 million S106 funds had been at risk of being returned to developers. The amount was now less than £900k.
- There were various reasons for this:
  - Differing legacy authorities, with different monitoring and different terms within S106 agreements and sometimes insufficient time allowed to deliver projects.
  - S106 funds for schemes that faced delivery challenges, e.g. cost inflation, could often not be redirected to other projects, while additional funding was generally scarce.
- The aim was to comply with the terms of the legal agreement while avoiding returning funds to developers if possible, hence in the first instance checking if developers remained in operation and asking to extend the period within which funds could be used. If the developer had gone out of business, the Council was unable to return the funds. Some developers, when contacted, had agreed that the period to use contributions could be extended.
- A new process was established in 2023 to allocate S106 funds to projects with improved sharing of information with delivery services and member oversight.
- It was noted that CIL funds offered some benefits compared to S106 agreements. A developer knew how much their contribution would be for CIL in advance. There was more flexibility in spending CIL funds.
- If challenged the Council needed to be able to demonstrate that CIL did not reduce the need for S106 funding. Progress had been made here in the 2022-23 Infrastructure Funding Statement which indicated how future CIL income would be spent.
- Cabinet had supported the process of considering the introduction of CIL in the north of the

county (former Aylesbury Vale District area). Options were being looked at for this and a recommendation would be brought to Cabinet for a decision. Officers estimated it would be at least 9 to 12 months from agreeing to implement a new charging schedule before CIL could be implemented across the entire county.

- It was noted in paragraph 1.3 of the report that the introduction of CIL could be linked to the timing of the local plan. A member commented that that the two should not be linked, CIL implementation in the North of the county should not be dependent on development of the Local Plan.
- Paragraph 1.7 of the report detailed S106 & CIL funds passed by Buckinghamshire Council to parish councils in 2022-23. A Member commented that the actual amount was 11% rather than the minimum 15% of CIL collected that would be expected. Officers agreed to review the figures and would go back to the Member outside of the meeting.

**Action:** Transport Strategy Funding Manager [Post Meeting Note: in addition to the £727k passed to parish councils, 335k was allocated for use in the unparished area. Together these sums amount to over 16% of the CIL collected, in line with expectations.]

- The amount passed to the City of London local authority shown in table 2 of the appendix was queried. Officers confirmed that the contribution was correct. Regarding the footnote to the table, it was clarified that it should read: "The Burnham Beeches Special Area of Conservation contribution is **predominantly** collected in East and South Area".
- Paragraph 3.13 on page 37 of the report showed the Infrastructure Funding Statement. Demand notices for £6.7 million had been issued with receipts of £5.3 million. It was queried whether the council was collecting all CIL payments owed. The gap was due to timing – developers may have over a year to pay CIL funds for large developments.
- The report did not mention healthcare provision. It was highlighted residents wanted better access to healthcare. Developer funding was a practicable way to build new facilities. This topic would be discussed later in the meeting during the Planning for future Primary Healthcare item.
- A Member reported a Parish Council had been charged £1,600 in costs for a S106 Deed of Variation. A Deed of Variation was necessary where it was required to change the use for S106 funding. It was suggested this could have been avoided if the Parish Council had been involved in drafting the S106 agreement. The Transport Strategy Funding Manager thanked the member for the specific example, Members were encouraged to contact officers with further examples which they could investigate.
- A Member wished to highlight that S106 agreements were often imposed on Parish Councils without their input, which could lead to a Deed of Variation being needed.
- Officers explained that a balance between defining a specific purpose for the use of funds while retaining some flexibility was necessary when negotiating S106 agreements. They were legally defined agreements and as such were costly to alter. Unnecessary costs should be avoided but it was recognised that the original agreement would sometimes need alteration. Only parties to the original agreement could formally initiate the process for a Deed of Variation.
- The Planning service had a meeting scheduled with town and parish councils in the next few weeks. They would look into providing training and support on CIL and S106 agreements for Town and Parish Councils.
- A Member observed that CIL may be a good alternative to a S106 agreements, as it offered more flexibility for spending funds. It was pointed out that s106 funds is a more important source of funding than CIL and the two are complementary.
- The Cabinet Member would look into offering training for Members on S106/CIL as parish and town councils would often contact Buckinghamshire Council Members for advice.
- It was clarified that Members could contact the Cabinet member about issues arising from previous S106 agreements. For new S106 agreements, views should be presented via the planning application consultation process.

The Chairman thanked the contributors for their input.

## **7 BUCKINGHAMSHIRE REGENERATION FRAMEWORK AND STRATEGIES**

The Cabinet Member for Planning and Regeneration introduced the strategies, noting that they had been adopted by Cabinet in October 2023. They were published on the Buckinghamshire Council website. They were ambitious in their aims to improve Aylesbury, Chesham and High Wycombe and were also a pragmatic way to take these towns centres forward. Other areas in the county were also able to plan improvements

During the discussion, Members raised the following points and questions:

- Concern was expressed as to whether small businesses, Members and Town Councils had been properly consulted. Members noted Town Councils should be involved in the process as early as possible. The Cabinet Member for Planning and Regeneration made assurances that stakeholders had been appropriately consulted in the plans.
- The regeneration plans for Aylesbury had changed slightly but the funds stipulated by Aylesbury Vale District Council (AVDC) for this project remained ringfenced. Local businesses had been able to give their views in various forums over the past year.
- The importance of creating attractive cultural centres to bring the community together was highlighted. The Service Director for Planning & Environment explained that more detail on aesthetics would follow. The strategy outlined wider goals and ambitions. These plans had several layers with a place-based approach taken for town centre regeneration.
- The ongoing consultation would lead to enabling works which would further the goals of the strategy. It was highlighted that meeting to discuss the regeneration plans in Chesham was due to take place where representatives from Chesham Town Council would be attending.
- There was a discussion on pedestrianisation, green spaces and making town centres attractive. Members felt that a focus on seating, lighting, nature and the use of public art would encourage more people to visit the town centres. It was noted that building design was also important.
- The Council was looking to ensure Cambridge Street in Aylesbury remained closed to traffic. It was noted that within Aylesbury, some former council buildings could be converted for residential use in future.
- Progress on the regeneration project may be measured by analysing various metrics (e.g. town centre footfall, occupancy and use of facilities). The aim was to provide vibrant town centres. This would partly be achieved offering the right kind of premises for businesses.
- It was noted that the regeneration project was closely aligned with Opportunity Bucks, a programme focusing on 10 wards within Buckinghamshire where people were experiencing the significant hardship. These wards were in Aylesbury, Chesham and High Wycombe. The Government had recently proposed changes to permitted use of buildings which may change the nature of town centres and streets.
- The national trend for converting office space into residential units was noted. It was observed that the balance between residential, office and retail space needed to work for a vibrant town centre.
- Buckinghamshire Council's Regeneration plans make use of private sector investment. An example of where this worked well was the Exchange area in Aylesbury, it had combined restaurants with flats (above). The existence of the strategy helps to engage investors and reassure them that there is a vision for these areas. Developers had experience of similar projects, and other market towns had attracted investment.

- A Member asked for more details around the spending for these strategies, as well as availability of Opportunity Bucks funds for town centre redevelopment. The Cabinet Member for Planning and Regeneration offered to write to the Member with more detail.  
**Action:** Cabinet Member for Planning and Regeneration
- The Cabinet Member would report back to update the committee on the Regeneration Framework & Strategies at future committee meetings.

The Chairman thanked the contributors for their input.

## **8 JOINT RAPID REVIEW WITH THE HEALTH & ADULT SOCIAL CARE SELECT COMMITTEE REPORT - PLANNING FOR FUTURE PRIMARY HEALTHCARE IN BUCKINGHAMSHIRE**

The Chairman noted the enormous amount of work put into the Joint Rapid Review and invited the joint chairmen for the review, Cllrs Darby and Poll to present the item.

The joint chairman thanked Members and officers for their hard work on the review. The following points were made:

- The review had arisen from a belief that there was a lack of cohesion between healthcare and planning, which wasn't working for residents.
- The complex nature of healthcare across the county was highlighted in the report, the responsibilities of the Integrated Care Board (ICB), Primary Care Networks, and GP surgeries were examined in detail. GP Surgeries were mainly self employed practitioners with the surgery being a private business using an NHS contract.
- The Planning service could only look at future demand caused by population growth. It does not consider the problems that already exist (for example, difficulties in getting a GP appointment).
- The need to be realistic was recognised by the review group– local authorities are short of funds. The recommendations are realistic and positive, noting the scarce resources available to the ICB and the Council.
- The review highlights the changing face of primary care. For example. more space would be needed in GP surgeries due to more patients being seen by medical practitioners (rather than GPs).
- Use of CIL for funding new healthcare premises was explored by the review group, and it was noted that only the Wycombe Local Plan had allocated CIL specifically for healthcare.

During the subsequent discussion, the following points were made:

- A member of the review group also expressed thanks to Members and Officers who had worked on the review.
- It was hoped that the review would lead to more collaborative working, between the ICB, Council, and other partners.
- The Service Director for Planning & Environment welcomed the review which he felt was very timely. He supported the recommendations made by the group.
- NHS dental service issues were recognised, and mention was made of the NHS dental recovery plan launched on 7<sup>th</sup> February 2023. It was noted that more affordable housing was needed for dental staff.
- Members queried if the Pharmaceutical Needs Assessment was still fit for purpose. It had taken 4 years to open a pharmacy on the Berryfields estate in Aylesbury.
- Where S106 funds had been granted, it was noted costs could have risen if building didn't commence promptly. In the case where the developer is completing the project themselves, this risk may be avoided.

- The ICB's draft Primary Care Strategy had been released for stakeholder engagement, it was highlighted that there was little discussion of estates within the strategy. The Service Director for Planning & Environment would look into the elements relating to planning. The regeneration strategy may investigate the provision of healthcare on the high street which could support those residents who don't visit a GP.
- It was felt by Members of the review group that Buckinghamshire Healthcare Trust (BHT) had been engaging well with the Councils planning team. This was compared to the ICB, where engagement and cooperation needed improvement.
- Cabinet, as well as the Corporate Management team for Buckinghamshire Council would look at the recommendations made in the report, and formally respond to them. The Committee hoped that the review would be fully utilised by stakeholders and the recommendations accepted by Cabinet and the ICB.

The Committee reiterated their thanks for the review and approved it for Cabinet (expected 9<sup>th</sup> April), subject to approval at the Health and Adult Social Care Committee.

## **9 WORK PROGRAMME**

The Committee noted the Work Programme. Members could contact the Scrutiny Officer for the committee with any additional topics they wished to be included in the Growth, Infrastructure and Housing work programme.

## **10 DATE OF NEXT MEETING**

The next meeting was scheduled for 18<sup>th</sup> April 2024 at 10am.