



## Cabinet minutes

Minutes of the meeting of the Cabinet held on Tuesday 8 September 2020 in Via MS Teams Video Conference, available to the public at <https://buckinghamshire.public-i.tv/core/portal/home>, commencing at 10.05 am and concluding at 10.56 am.

### Members present

M Tett, K Wood, S Bowles, B Chapple OBE, J Chilver, A Cranmer, I Darby, P Hogan, D Martin, N Naylor, M Shaw, W Whyte, G Williams, F Wilson and C Harriss

### Agenda Item

#### 1 Apologies

Martin Tett, Leader, welcomed everyone to the meeting and advised that this was the first Cabinet meeting to be held in-part, 'in situ', since the start of the pandemic. A number of Cabinet Members, for whom it was safe to do so, were in attendance. All the Cabinet Members provided a brief introduction about their areas of [responsibility](#).

Apologies were received from Angela Macpherson, Cabinet Member for Adult Social Care; Tony Green, Cabinet Member for Youth Provision and Rachael Shimmin, Chief Executive Officer, Buckinghamshire Council.

#### 2 Minutes

**RESOLVED: The minutes of the meeting held on 28 July 2020 were AGREED as an accurate record.**

**RESOLVED: The confidential minutes of the meeting held on 28 July 2020 were AGREED as an accurate record.**

#### 3 Declarations of interest

There were none.

#### 4 Question Time

Four questions had been received; two from Cllr Robin Stuchbury, one from Cllr Alan Bacon and one from Cllr Peter Jones; all the questions had been included on the agenda. The response to Cllr Stuchbury's second question would be published with the minutes.

Cllr Robin Stuchbury

*The government's recent announcement about changes to the planning system suggests giving huge amounts of power back to government which was once held by the planning authority. You, having been a strong campaigner against the negatives of HS2 which was effectively imposed on Buckinghamshire, and with the known challenges posed by the Oxford to Cambridge Expressway (noting government had previously announced its intention to build one million houses between Oxford and Cambridge in advance of their most recent announcement about planning changes), will the council be challenging the government proposals and constituents' rights to express a view on future large developments through the Planning Department of Buckinghamshire Council? Also, was there any prior/advance information available of the government's decision before their announcement removing planning powers from Buckinghamshire Council and our local Parish Councils? The 1991 Planning Act was settled, and made on local plans. The reason for raising the question was that I believe in local democracy and it was about making decisions locally. The new Buckinghamshire Council had its opportunity to do an integral plan for balancing Buckinghamshire and I believe the Government's actions were adverse to that.*

Response provided by Warren Whyte, Cabinet Member for Planning.

W Whyte thanked Cllr Stuchbury for his question on this important subject.

The Government had published its White Paper, Planning for the Future, for consultation. It set out the Government's intention for future reform of the planning system. It was important to point out that these were just proposals at the moment and none of the changes would come into force until legislation was passed and after the Government had considered responses to the consultation.

However, at this early stage, W Whyte was pleased to see recognition from the Government of the need to streamline the planning system and to make the system fit for purpose in the post-Covid era.

W Whyte welcomed the importance and relevance attached to Local Plans in the White Paper as tools for local planning authorities to shape the future of their areas. The Council was, of course, about to embark on the preparation of the new Buckinghamshire Local Plan which would provide the blueprint for future growth, renewal and protection in Buckinghamshire.

W Whyte was also pleased to see an ongoing commitment in the White Paper to the role of neighbourhood plans in the planning process as well as an emphasis on modernising planning to ensure there was wide community engagement in all planning processes. He was particularly pleased to see the White Paper's focus on effective enforcement, something on which this Council had only recently set out its clear intentions.

The Council did not receive any prior or advance notice of the White Paper and its

contents; the whole point of the paper was to give people a chance to comment on suggestions.

Following full consideration of the White Paper, the Council would set out its formal view on the proposals and would respond to the consultation.

M Tett added that the Cabinet would discuss the White Paper and the views of the Council would be published.

Cllr Alan Bacon

*From 24 August, councils' role in Coronavirus tracking and tracing is enhanced. Will the portfolio holder please report on the effectiveness of the new track and trace regime in Buckinghamshire.*

Response provided by Gareth Williams, Cabinet Member for Communities and Public Health.

Test and Trace was a three-tier nationally-run programme which aimed to provide timely advice on self-isolation for individuals who had tested positive for COVID-19 and for their close contacts. The different Tiers managed cases of varying complexity, with the top Tier, managed by Public Health England, mostly focussed on cases associated with complex or high risk settings where outbreaks might otherwise occur. Buckinghamshire Council's Public Health and Environmental Health teams' worked closely with the top Tier to prevent, to investigate and manage any possible outbreaks in the county. G Williams mentioned that recently work had been carried out in school settings where cases had been reported.

The case completion rate in Buckinghamshire (i.e. the percentage of cases who were successfully contacted and advised) was significantly better than average – approximately 90%, which was above the threshold of 80% that SAGE recommended for effective control.

Some Local Authorities, particularly those currently experiencing severe community outbreaks, were establishing local contact tracing teams to try to improve their case completion rates. The Council was reviewing this option for Buckinghamshire residents.

M Tett added that he published a regular residents' newsletter which included data on the high level summary of infection rates. G Williams and M Tett monitored the data very closely.

Cllr Peter Jones' question was read out by Martin Tett, Leader.

Cabinet, on 28 July, received a report on the preparation of the Buckinghamshire Local Plan for adoption in 2024, and Council has also agreed approval of the Masterplan and the 2050 Vision for Aylesbury Garden Town. A Wycombe

Regeneration Strategy has also been approved. A Masterplan has been prepared for Chesham, the third largest town in Buckinghamshire, by the Chesham Renaissance Community Interest Company. This Masterplan is detailed and has been the subject of a Public Consultation and received a positive response from over 70% of participants. May officers be requested to bring forward a policy for the urgent regeneration of Chesham, based on the community prepared Masterplan? This work could start immediately.

Response provided by Warren Whyte, Cabinet Member for Planning.

The council had regular engagement with the Chesham Renaissance Community Interest Company and the masterplan for Chesham. A piece of work was underway to work with local stakeholders and establish a regeneration strategy and approach with an intention to formalise this later this year. Given the high level of public support and comprehensiveness of the masterplan, this document would be an important part of framing the next steps for Chesham in terms of future policy. W Whyte expected all town centres in Buckinghamshire to play an important part in the new Buckinghamshire Plan.

**5 Forward Plan (28 Day Notice)**

**RESOLVED: Cabinet NOTED the forward plan.**

**6 Safer Buckinghamshire Plan 2020-23**

Gareth Williams, Cabinet Member for Communities and Public Health, introduced the report for the Safer Buckinghamshire Plan 2020-23 and highlighted the following points:

- Buckinghamshire Council was one of the five statutory members of the Safer Buckinghamshire Board (SBB) along with Thames Valley Police (TVP), Buckinghamshire and Milton Keynes Fire and Rescue Service, Buckinghamshire Clinical Commissioning Group, National Probation Service and the Thames Valley Community Rehabilitation Company.
- The annual community safety Strategic Assessment and public survey provided the evidence base for the five priorities in the Plan:
  1. Helping communities to become more resilient.
  2. Protecting vulnerable adults and children.
  3. Addressing the impact of drugs, alcohol and poor mental health.
  4. Tackling domestic violence and abuse.
  5. Dealing with offending.
- The plan had been developed pre-covid and the impact of covid on community safety was being closely monitored by the SBB so remedial action could be taken.
- The SBB would work with local communities, particularly the Community Boards, to help assess and deliver local priorities.

Members of the Cabinet raised and discussed the following points:

- In response to a comment that the priorities appeared detached from the residents' priorities which mainly concerned parking, speeding and burglary; G Williams advised that these were largely police issues and TVP had their own priorities. However, it was a balancing act and the 16 Community Boards would provide feedback and enable the public voice to be heard.
- There had been an increase in mental health issues, particularly among young people, due to Covid-19 and approximately one third of people in receipt of mental health treatment offended/re-offended. Would an action plan, based on the impact of Covid-19, be produced? G Williams stated that responsibility for mental health required involvement from a number of organisations who had met regularly throughout lockdown to ensure continuity of provision and support. The Health Impact Assessment had received thousands of responses and would provide local background data to produce an action plan. Approximately £1 million combined funding from a number of sources had been received and priorities were being worked through. The structure was in place to ensure help was provided to those in need.
- Sarah Ashmead, Deputy Chief Executive and Chair of the SBB, added that there was a very detailed delivery plan underpinning the overall strategy which would be refreshed due to Covid-19. Recovery arrangements were being put in place and would tie in with the SBB Plan. Regular meetings were held between the Community Safety Partnership and the Children's and Adults Safeguarding Boards to ensure links were maintained. A dashboard would be used by the SBB to track the impact of the activities being carried out.
- A Member highlighted the unified approach with stakeholders and the police in dealing with young offenders, keeping more out of the criminal justice system and benefitting the individual and the community at large. The member encouraged further ongoing collaboration with the Council, all stakeholders and TVP to keep young people out of the criminal justice system. G Williams agreed and added that work was being carried out with the Youth Offending Service on a number of prevention projects.

In summary, the Cabinet Members expressed their thanks to Rebecca Carley, Communities Engagement and Safety Manager, and the Community Safety Service for their hard work and endorsed the document. R Carley thanked the members for their acknowledgement of the amount of work carried out and flagged the emphasis woven through the plan of early intervention and prevention to avoid issues which would ruin a person's opportunities in the long term. The Community Boards were being established and would provide the opportunity to work collaboratively with the service on local problems.

The Leader thanked G Williams, R Carley and I Darby for their work and involvement in a good result.

**RESOLVED: Cabinet ENDORSED the Safer Buckinghamshire Plan (Community Safety**

**Plan) 2020-2023.**

**7 Exclusion of the public (if required)**

Not required.

**8 Confidential Minutes from the meeting held on 28 July 2020**

The confidential minutes were agreed under item 2.

**9 Date of next meeting**

Tuesday 13 October 2020 at 10.00 am.

**Question for the Cabinet Meeting on 8 September 2020 from Cllr Robin Stuchbury**

**Beaconsfield relief road – why has it not been completed?**

I am concerned that the S278 Highways Agreement, in particular clause 2(3)b dated 5th July 2016, not being enforced in order to get the Beaconsfield relief road completed? I am also concerned that the Planning Authority did not list the 2016 S278 Highways Agreement within the report to South Bucks District planning committee re planning application 17/01763/OUT (Inland Homes' Wilton Park planning application). What action will Buckinghamshire Council take to get the relief road completed as a result of the SBDC action? It could be suggested, Buckinghamshire has effectively handed over control of the timing and completion of the relief road to Inland Homes resulting in hundreds of HS2 construction HGVs to be soon using the Beaconsfield Old Town Conservation area.

**Response provided by Cllr Warren Whyte, Cabinet Member for Planning.**

Can I thank Cllr Stuchbury for his question. The question contains a number of constituent parts and I have therefore addressed each part in my answer.

*I am concerned that the S278 Highways Agreement, in particular clause 2(3)b dated 5th July 2016, not being enforced in order to get the Beaconsfield relief road completed?*

Section 278 of the Highways Act 1980 enables work to be undertaken to the public highway by a third party, in this case Inland Homes. The works covered by the S278 Agreement only extend to the highway boundary from Pyebush Roundabout, as shown on the second plan of the Agreement that has been signed by both parties. The highway works to Pyebush Roundabout covered by the S278 Agreement have been completed to the Council's satisfaction, to the extent that the Provisional Certificate could be issued. The Highway Authority is unable to make the Developer go beyond what has been agreed and to do so would be outside the remit of the S278 Agreement. The Developer will be required to enter into a S38 Agreement to secure the delivery and dedication of the road within land under their control, which will be subject to a separate bond.

*I am also concerned that the Planning Authority did not list the 2016 S278 Highways Agreement within the report to South Bucks District planning committee re planning application 17/01763/OUT (Inland Homes' Wilton Park planning application).*

The s278 Agreement under the Highways Act 1980 (as amended) that was entered into in 2016 related to the planning permission ref. 14/01467/FUL. The planning permission that was granted in 2014 was for the construction of the southern section of the link road. The planning permission was not subject to a S106 Legal Agreement or condition obligating the applicant to carry out the works by a specific date.

A s278 Agreement is required to enable a developer to carry out works on land outside of its' control but on land that is 'public highway'; the Highway Authority at the time was the former Buckinghamshire County Council. Since 1<sup>st</sup> April 2020, Buckinghamshire Council is the Highway Authority. That s278 Agreement was a 'standalone' Agreement for that 2014 planning permission entered into by the relevant parties in association with that development.

In terms of the outline planning permission 17/01763/OUT, this application for predominantly residential development included the construction of the southern section of the link road. The planning permission 14/01467/FUL was a material consideration in the determination of the outline planning application, in so far as it was a previous planning permission of the former South Bucks District Council. As outline planning permission was a standalone approval with the southern link

road completing the 'missing link' but also to serve the residential development by Inland Homes, it would not have been appropriate to link the 14/01467/OUT and any 'side agreements' to the latter permission. The outline planning permission sets out its own requirements in respect of the link road.

*What action will Buckinghamshire Council take to get the relief road completed as a result of the SBDC action? It could be suggested, Buckinghamshire has effectively handed over control of the timing and completion of the relief road to Inland Homes resulting in hundreds of HS2 construction HGVs to be soon using the Beaconsfield Old Town Conservation area.*

Buckinghamshire Council has now received an amended Local Traffic Management Plan (LTMP) giving formal notification via the Schedule 17 (details to meet requirements of conditions) of the HS2 Act process of the volume of HS2 construction traffic that will be using the A355 to gain access to HS2 work sites. We have now received a number of the S17s and the remaining ones will be submitted over the next few weeks. Once received the council will have a clearer picture of the impact and timescale and may need to seek further clarification from HS2. We can then make an assessment of any mitigation that might be necessary on the highway network to accommodate these vehicles and review the latest programme for the southern section of the A355 link road at that time.

The Council is continuing to work with Inland Homes, HS2 and the local MP's office to explore any practical options that may be available to accelerate the delivery of the road.

Buckinghamshire Council has delivered the northern section of road ahead of the developer's section to meet a deadline for making use of a Central Government grant. The southern section is to be delivered by Inland Homes in accordance with their outline planning permission. The former South Bucks District Council granted planning consent in September 2019 for the redevelopment of the former MoD site for housing including the delivery of the Southern link road. Under the requirements of Schedule 4 of the S106 obligation, which forms part of the outline consent for Wilton Park (17/01763/OUT), Inland Homes are required to submit the technical drawings/details and enter into a separate Highway Agreement with the council to secure the public adoption of the relief road south prior to occupation of the 50<sup>th</sup> unit. The S106 Agreement for this planning application also states that no more than 98 dwellings can be occupied until the link road has been constructed and open to through traffic.