

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 1st 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 50th 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.