



# Report to Growth Infrastructure & Housing Select Committee

**Date:** 15 December 2022  
**Title:** Little Marlow Lakes Country Park  
**Author:** Steve Bambrick

**Recommendation: To take no further action in relation to the Cabinet Resolution of 11 October 2022 regarding Little Marlow Lakes Country Park and to enable the development of a scheme and business case to proceed on land within the Council's ownership; which as a minimum would meet the criteria of being designated as a Suitable Alternative Natural Green Space.**

## Background

1.1 On the 11 October 2022 Cabinet considered a report on the future of Little Marlow Lakes Country Park and resolved:

- (1) That the lack of formal designation for Little Marlow Lakes Country Park be NOTED.
- (2) That the Service Director of Culture, Sport and Leisure be authorised, in consultation with the Cabinet Members for Accessible Housing and Resources, and Culture and Leisure, to develop a scheme and pursue formal designation of land within the Council's ownership as a Country Park which as a minimum would be a Suitable Alternative Natural Greenspace (SANG) compliant facility.
- (3) That it be agreed not to pursue formal designation to regularise the status of the whole area allocated in the Wycombe Local Plan (RUR4) as a Country Park as part of the initial phase of delivery but instead to retain a commitment to the wider Country Park as and when circumstances and resources permit.
- (4) That the Service Directors of Property and Assets, and Culture, Sport and Leisure, in consultation with the Cabinet Members for Accessible Housing and Resources, and Culture and Leisure, be delegated authority to agree a suitable business plan and operating model for the Country Park

which ensures the facility is delivered as a cost neutral enterprise. The business plan to be brought back to Cabinet for approval.

(5) That the Service Directors of Property and Assets, and Planning and Environment, in consultation with the Cabinet Member for Accessible Housing and Resources, be delegated authority to negotiate and agree a suitable restoration plan in consultation with Natural England for the Spade Oak Lake site which would be SANG compliant.

(6) That the planning and enforcement strategy that may be required in order to protect the Local Planning Authority position and to facilitate an amended restoration plan at Spade Oak Lake be NOTED.

(7) That the Service Director of Property and Assets in consultation with the Cabinet Member for Accessible Housing and Resources and the S151 Officer be delegated authority to negotiate and agree funding for the Country Park from S106 monies as set out in the Cabinet report.

(8) That the Service Director of Property and Assets, in consultation with the Cabinet Member for Accessible Housing and Resources, be delegated authority to enter into negotiations with the Thameside Preservation Trust on terms that would see the Country Park proposed in the Cabinet report to include both pieces of land set out in the Appendix.

- 1.2 The full Cabinet Report can be found in appendix one of this report.
- 1.3 A Call In request was subsequently submitted by Councillor Stuart Wilson supported by 32 Councillors. The Monitoring Officer considered the request to be valid to allow further consideration of the technical issues raised relating to the deliverability of Suitable Alternative Natural Green (SANG) requirements.
- 1.4 The purpose of this report is to review the ability of the Council to deliver a SANG within the constraints of the Cabinet decision on Little Marlow Lakes Country Park.

## **Main content of report**

- 2.1 The Call In request is attached in appendix two of this report. The Monitoring Officer considered that the first and second grounds for Call-In relating to the lack of consultation and insufficient scrutiny and alternative legal advice, respectively, are not valid however the third ground for Call-In relating to the Council being unable to deliver SANG requirements is valid, namely the issues raised were of a technical nature and require further consideration.

### **Planning Policy Context**

- 2.2 The site in question is the land between Globe Park/A404 Marlow and Bourne End, bounded to the south by the River Thames and the north by the A4155. Most of the

site– including the former Gravel Yard at Spade Oak Lane – is former landfill or former gravel pits. The area is dominated by Thames Water’s large sewage works (which uses the Council’s Muschallick Road, which also serves the former Gravel Yard, for frequent HGV access.

- 2.3 The site is designated Green Belt and adjacent to the Chilterns Area of Outstanding Natural Beauty. The site is allocated in Wycombe District Local Plan for outdoor recreation. Whilst the Local Plan does not purport to make the site a Country Park, it is proposed that the site should act as an alternative leisure destination to the nearby Burnham Beeches Special Area of Conservation (please refer to Policy RUR4 in Appendix Three).
- 2.4 In preparing the Wycombe District Local Plan, the Council needed to demonstrate that developments allocated in that plan, such as Hollands Farm and Slate Meadow in Bourne End, would not have an adverse impact on the National Protected Habitat and Species at Burnham Beeches Special Area of Conservation (SAC). This meant that the Council needed to undertake an Appropriate Assessment to satisfy both the Council and Natural England that residents of the new developments had a suitable alternative natural greenspace (known as a SANG) to use rather than increase the recreational impact on Burnham Beeches.
- 2.5 The Appropriate Assessment concluded;
- “Provided that the mitigation measures identified in the Local Plan are implemented, no adverse effects on the SACs integrity due to recreational pressures are foreseen, either as a result of the plan alone or in combination with other plans and programmes”*
- 2.6 The Appropriate Assessment that was completed did not rely on this area becoming a designated Country Park, but there was an expectation that the area would be available and used for public recreational purposes as an alternative country park destination, in other words, a SANG;
- "by providing an alternative local Country Park destination, improvement to the park provide an opportunity to off-set the impacts of proposed housing growth...."*
- 2.7 Policy RUR4 of the [Wycombe District Local Plan \(2019\)](#) allocates the land in its entirety for outdoor recreation. It is clearly set out in the adopted policy that any development within the country park should provide for environmental improvements, including the provision of publicly accessible open space, ecological and biodiversity enhancements, and contribute to the continued development and long-term management of the Country Park.
- 2.8 It is important to note that Policy RUR4 continues to apply to planning applications as part of the planning process. Policy RUR4 specifically states:

*Planning permission will not be granted for development within the Country Park that has an adverse effect upon the amenities or setting the River Thames, watercourses, lakes, wet woodlands, adjoining conservation areas, or listed buildings, or which prejudices the function of the area for the purposes of a Country Park.*

- 2.9 The decision taken by Cabinet does not change the allocation of the land in the Wycombe Local Plan or the protection it affords, which is understood to be a concern of local ward members given the speculative applications currently under consideration in this area. Nevertheless, the Cabinet decision would be a material consideration.
- 2.10 In 2002 Wycombe District Council adopted Supplementary Planning Guidance (SPG) for Little Marlow Gravel Pits, which includes a masterplan framework “vision” for the country park, please refer to **picture 1** below. The 2002 SPG recognised that the Council would not be implementing the masterplan directly but would look to work with developers to bring forward the proposal in the context of the existing policy framework and the guidance. Whilst the policy framework has changed, with the adoption of Wycombe District Local Plan in 2019, the SPG still carries weight in planning decisions (until it is replaced with any updated guidance note).
- 2.11 The masterplan identified a Nature Reserve on the Council’s own land, which could include a car and cycle parking and a single storey environmental visitor centre comprising a small reception area and shop, public toilets, a permanent exhibition room and a small lecture theatre. In addition, it was envisaged that picnic areas and barbeque facilities could be provided in a number of locations throughout the area.
- 2.12 It was also anticipated that a hogging footpath be provided around the perimeter of the lake, with viewing points set down at the waters’ edge at regular intervals. Additional native trees and shrub planting would be required in appropriate locations around the perimeter of the lake, with possible wet land area. A further facility could be the introduction of hides for bird watchers.

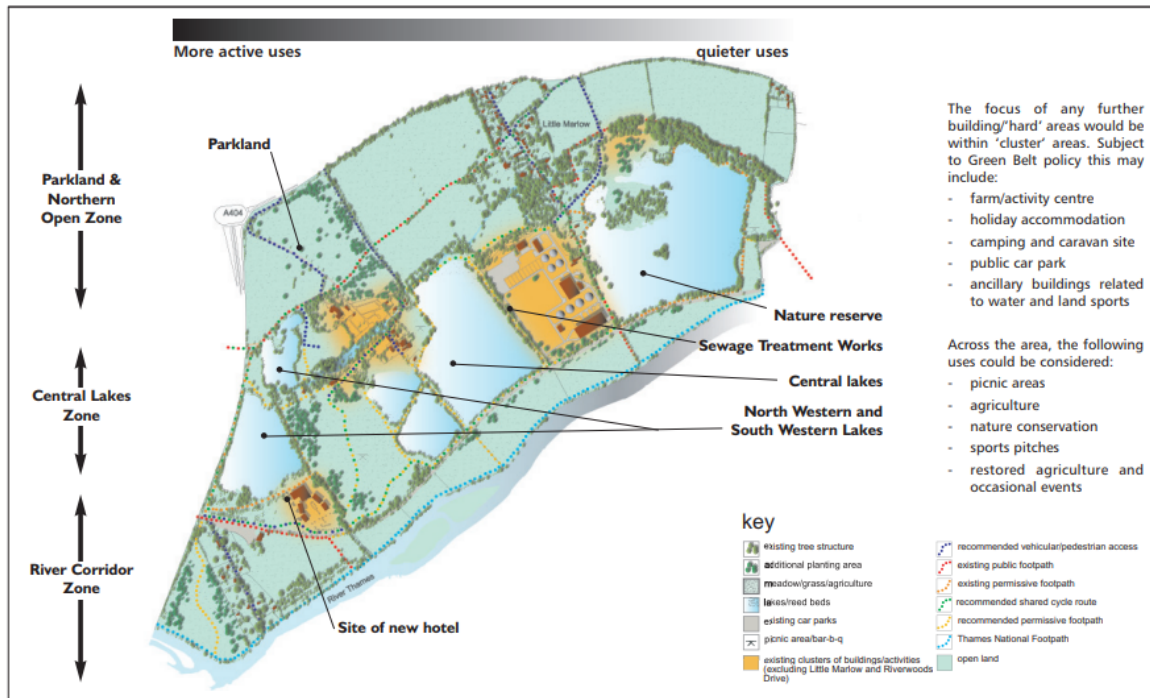


Figure 9 - Masterplan

*"A Vision for Little Marlow Lakes Country Park"*

**Picture 1 – Masterplan for Little Marlow Lakes Country Park (2002)**

- 2.13 In August 2021 the Council adopted a Development Brief for Hollands Farm allocation at Bourne End, policy 'BE2' of the Wycombe Local Plan. As part of the Development Brief an Appropriate Assessment was undertaken to satisfy the Council as Competent Authority in consultation with Natural England that residents of the new development would have a SANG to use rather than increase the recreational impact on Burnham Beeches. A list of mitigation measures was identified at Little Marlow Lakes Country Park, utilising land within the Council's ownership and the existing rights of way network (please refer to appendix 4). The total value of the works identified was £1,198,259 and included improvements to footpaths/cycleways, provision of new signposts, Way markers and information boards, dog waste bins, benches and a new car park.
- 2.14 It was deemed, in consultation with Natural England, that the mitigation identified in the Development Brief, would provide suitable SANG to support the Hollands Farm allocation in the Wycombe District Local Plan if the identified priorities are implemented.

## **SANG Requirements**

- 2.15 Guidance on what would make an area SANG compliant (alongside Country Park accreditation) is contained in appendix 5. This needs to be read in the context that this guidance was created by Natural England for the Thames Basin Valley Heath Special Protection Area but is promoted by Natural England to guide council's in preparing their SANG mitigation strategies. Whilst the guidance offers criteria for the likely requirements, each site will be assessed by the Council as Competent Authority in consultation with Natural England and considered in the local context.
- 2.16 The Call-In request raises a number of technical concerns regarding the ability of Buckinghamshire Council to deliver a SANG within the constraints of the Cabinet decision. In particular, within the limitations of land within the Council's ownership. The following section seeks to address the concerns raised in relation to the deliverability of SANG to support allocated development in the Wycombe Local Plan.

### **The dominance of the Little Marlow Treatment Works**

- 2.17 The Cabinet Report noted the dominance of the Little Marlow Treatment works and this was a consideration in the decision-making process. For ease the Little Marlow Treatment works is edged red on the aerial photo in **picture 2** below.

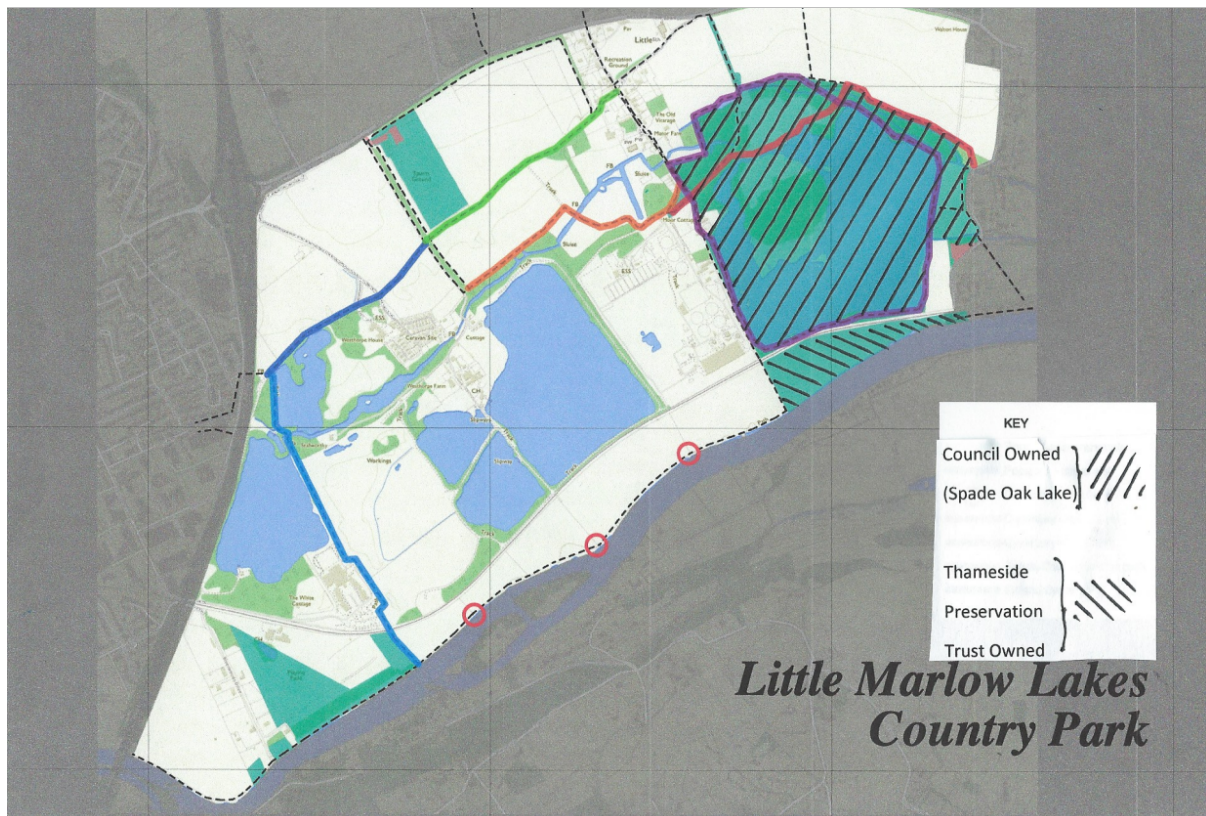




**Picture 2 – Location of Little Marlow Sewage Treatment Works**

- 2.18 Concerns have been expressed that the presence of the Little Marlow Treatment works would limit the Council’s ability to deliver a SANG on the land within the Council’s ownership, as defined in **picture 3** below.
- 2.19 The SANG guidance contained in Appendix 5 states as a criterion to assess quality of provision that there should be “*no unpleasant intrusions (e.g. sewage treatment smells etc)*”. It should however be noted that this is guidance produced for the Thames Basin Valley Heath Special Protection Area. Whilst this provides useful context of the likely requirements, the suitability of each site must be individually assessed in consultation with Natural England.
- 2.20 In this regard it is important to note that the site was allocated in Wycombe District Local Plan, in consultation with Natural England, for recreation purposes as an alternative Country Park destination to Burnham Beeches. In doing so consideration would have been made to the presence of the Little Marlow Treatment works.

- 2.21 It was also recognised in the 2002 SPD, as part of the masterplan, that the area around the sewage works would benefit from additional structure planting to integrate any changes into the landscape. This would need to be considered as part of the development of the scheme for a Country Park, as resolved by Cabinet.



**Picture 3 - Council Owned Land**

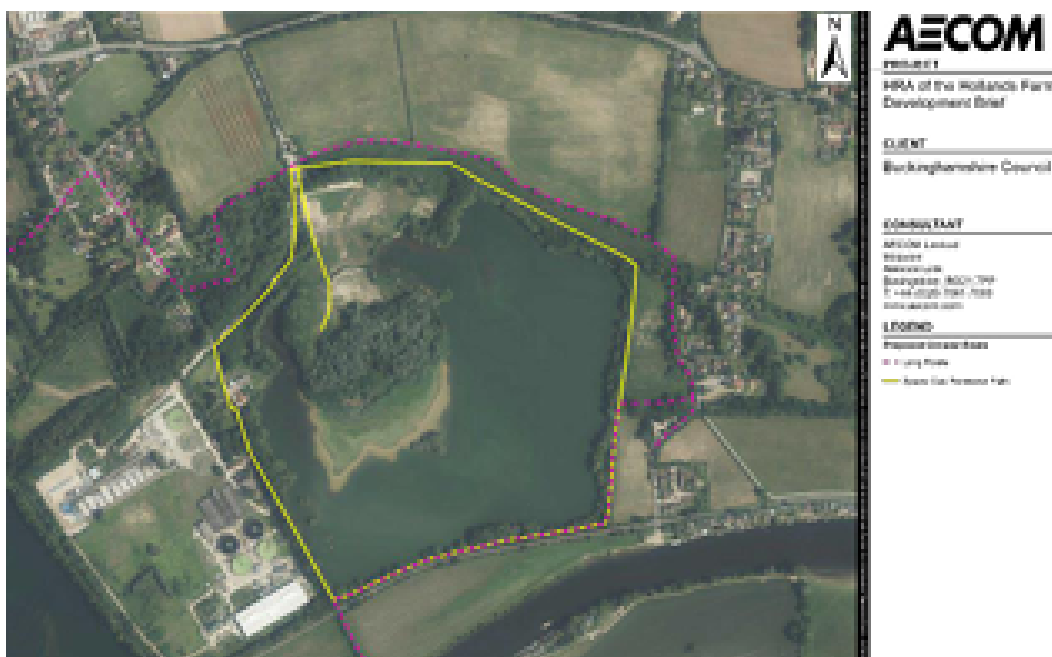
- 2.22 Furthermore, the Hollands Farm Development Brief has identified a list of mitigation measures, utilising land within the Council's ownership and the existing rights of way network which has been deemed to be SANG compliant, in consultation with Natural England.
- 2.23 The Cabinet resolution to develop a scheme and pursue a formal designation of land within the Council's ownership as a Country Park, would therefore be able to deliver the necessary SANG to mitigate the impact of planned growth. This would however be further considered as part of the detailed design and associated business case.

### **Circular Walk**

- 2.24 The SANG guidance contained in Appendix 5 states as a criterion to assess quality of provision that there should be "A circular walk of 2.3-2.5km". This is possible within the site and utilising the existing rights of way network, as illustrated in Appendix 6 The principal of this has been accepted as part of Wycombe District Local Plan and



the adopted Hollands Farm Development Brief, both with Natural England’s support. The illustrated circular walk in the Final Appropriate Assessment is approximately 2.8 kilometres as shown in **Picture 4** below.



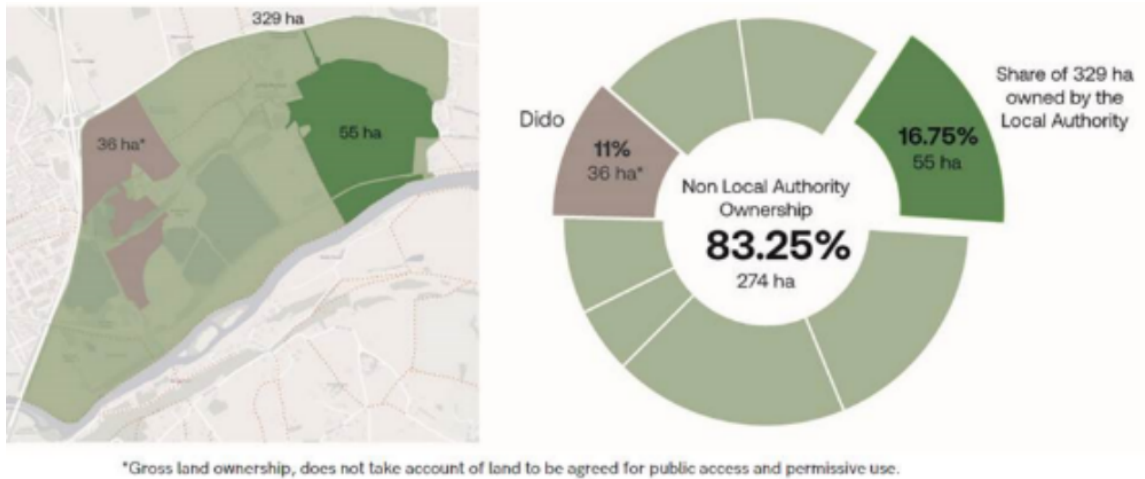
**Picture 4 – Hollands Farm Development Brief, Appropriate Assessment, Circular Walk**

- 2.25 In addition, as part of the Cabinet resolution, delegation has been given to the Service Director of Property and Assets in consultation with the Cabinet Member for Accessible Housing and Resources, to enter into negotiations with the Thameside Preservation Trust to include the pieces of land adjacent to the river Thames, as indicated on **picture two**. If successful, this will provide further opportunity to link into the Thames Path.
- 2.26 The location and design of the circular walk would form part of the scheme development and associated business case. Consideration will also need to be paid to the location of footways in relation to Marlow Gravel Pits Biological Notification Site, which covers approximately 20% of the total study area and is designated primarily for its bird interest.

**Council Land Ownership**

- 2.27 The Call-In request raises concerns that the Cabinet Report incorrectly states that the area of Council land is 80ha. The Cabinet Report sets out at paragraph 2.6 the total extent of the land owned by the Council, and by other parties.
- 2.28 **Picture 4** below (prepared in 2021 by Dido) indicates the total extent of the land and the land owned by the Council, and by other parties:





**Picture 4 - Extent of Landownership**

- 2.29 The illustration clearly denotes the share of the 329 ha is 16.75% (55ha). This is also referred to at paragraph 2.20 of the Cabinet Report. As such, in reaching a decision Cabinet were fully aware of the correct area of Council landownership.
- 2.30 The Call-In request raises concerns that the land within the Council’s ownership is made up of water, which limits the scope for free roaming beyond the existing footpaths. The SANG guidance contained in Appendix 5 states as a criterion to assess quality of provision that there should be *“Access unrestricted – plenty of space for dogs to exercise freely and safely off the lead”*. However, this does not fetter water being a great component of a SANG, indeed it is a visually attractive pull factor for alternative recreational space. Natural England's SANG Quality Guidance August 2021 states:
- 2.31 “It is desirable that SANG provide a naturalistic space with areas of open (non-wooded) countryside and areas of dense and scattered trees and shrubs. The provision of open water is encouraged and desirable on sites”.
- 2.32 The ability to incorporate the lakes into the SANG, would provide an attractive alternative destination to the wooded area of Burnham Beeches. Whilst not all of the hectareage of the lake can be counted in the hectareage required for recreational capacity, the area is of a sufficient size to accommodate the planned growth in the current Local Plan. This in principle has been accepted through the adopted Hollands Farm Development Brief.
- 2.33 The capacity of a SANG is predicated on several factors and this will be determined as part of the scheme development and associated business case, noting that there may be potential to off-set further impacts on Burnham Beeches SAC.
- 2.34 It should further be noted that whilst Cabinet resolved not to pursue a formal designation to regularise the status for the entire area allocated in Wycombe Local Plan (RUR4) as a Country Park, there remains a commitment to the wider Country

Park as and when circumstances and resources permit. It should also be noted that the 2002 SPG was not produced for SANG as Burnham Beeches mitigation requirements only became an issue from 2017.

### **Scheme Details and Costs**

- 2.35 The Call-in request has also raised concerns that no details or costs have been provided for an 'alternative restoration plan' to deliver a SANG compliant Country Park. The Cabinet resolution was to authorise the development of a scheme, which would be as a minimum SANG complaint and to produce a suitable business plan and operating model.
- 2.36 The scheme details and associated costs are therefore subject to this work, with the business plan to be brought back to Cabinet for approval.

### **Next steps and review**

- 3.1 The desired outcomes of the Call-in request are set out below:
- *Set up a Project Board comprising local Members, Parish Councillors, Officers in consultation with landowners and business interests to develop options and implications for consideration.*
  - *Revisit the WDC legal advice and Resolution; seek additional legal advice on interpretation of the CROW Act 1968 and the powers and options available to BC to deliver considered options.*
  - *Conduct a thorough public consultation on draft options and implications.*
  - *Develop a vision based on outcomes for LMLCP (per South-West Chilterns Community Board discussions in Q1 2022).*
  - *Make formal recommendations to Cabinet Members for Cabinet (and Council) for resolution.*

- 3.2 Taking each of those desired outcomes in turn:

#### **Set up a Project Board**

The Cabinet resolution authorises the preparation of a business plan for the Country Park. As with any major project of this nature, a cross departmental project board will be established to oversee the delivery of such a plan. Local members and other key stakeholders will be engaged by that project board throughout the process.

#### **Revisit the WDC legal advice**

Questions were raised at the Cabinet meeting about the validity of the Council's legal advice and the Director of Legal and Democratic Services is on record in providing a very clear response, setting out his confidence in the advice to the Council. There is therefore no further requirement to revisit the advice.

### **Conduct a public consultation on draft options**

At the appropriate time, when a business plan for the site has been developed, a public consultation will be held. There is however no merit in holding a consultation ahead of that time if some or all of the possible outcomes are likely to be undeliverable.

### **Develop a vision based on outcomes**

The resolution of Cabinet seeks a realistic and deliverable business plan for the site which will facilitate the outcomes envisaged in the adopted Wycombe Local Plan. This remains the most appropriate course of action for the site and most likely to deliver a valued recreational outdoor space for Little Marlow

### **Make formal recommendations to Cabinet members**

The recommendation of this report is that the GIH committee takes no further action and enables the original decision of Cabinet to be implemented without delay

## **Conclusion**

- 4.1 The site has a complex distribution of land ownership, which raises significant complex issues in terms of land assembly. The only way to guarantee a SANG that meets the requirements of Natural England, as mitigation for the current planned growth within the Local Plan, is to deliver a scheme on the Council's own land and utilising the existing right of way network.
- 4.2 Natural England are supportive of the approach being taken by the Council, which will ensure the delivery of a SANG in this area of Buckinghamshire and would also meet the criteria of a designated Country Park.
- 4.3 It is therefore recommended that the Growth Infrastructure and Housing Select Committee take no further action and enable the Cabinet decision in relation to Little Marlow Country Park to be implemented and to proceed with the development of a scheme and business case for SANG and Country Park designation compliance on the Council's land.

4.4 Finally, in the interim period whilst a scheme is being developed, Natural England continue to support developments in the Wycombe Local Plan area paying a financial contribution towards the Burnham Beeches Strategic Access Management and Monitoring strategy (SAMM) in accordance with the Council's adopted Supplementary Planning Document. There is only limited capacity for this approach to continue and therefore important that the Country Park work is progressed.

