



Cabinet minutes extract – 11th October 2022

Minutes of the meeting of the Cabinet held on Tuesday 11 October 2022 in The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF, commencing at 10.00 am and concluding at 1.10 pm.

Members present

Cllr A Macpherson, G Williams, S Broadbent, J Chilver, A Cranmer, P Strachan and M Winn

Others in attendance

A Hussain, D King, P Martin, R Stuchbury, D Watson and S Wilson

Apologies

M Tett, S Bowles and C Harriss

Agenda Item

11 Little Marlow Lakes Country Park

Cabinet received a report relating to the land between Globe Park/A404 Marlow and Bourne End, bounded to the south by the River Thames and to the north by the A4155. The area was covered by Green Belt designation, and most of it - including the former Gravel Yard at Spade Oak Lake (and the proposed Marlow Film Studios site at Westhorpe) – was former landfill, or former gravel pits. The area was dominated by Thames Water's large sewage works (which used the Council's Muschallick Road, which also served the former Gravel Yard, for frequent HGV access).

The report included proposals to develop a scheme for a Country Park which as a minimum would be a Suitable Alternative Natural Greenspace (SANG) compliant facility. The proposals to create a Country Park in the area had been first made in the 1960s and the background to this including previous actions/decisions taken, or not taken, by the former Wycombe District Council was detailed in paragraphs 2.1 to 2.24 of the Cabinet report.

Cabinet took into account the detailed representations which had been submitted by residents, the parish council and local members which were published on 10 October 2022. The Director of Legal and Democratic Services outlined the independent Counsel advice received which confirmed that the essential elements of the Countryside and Right of Way Act 1968 had not been met by the former

Council's earlier decision. During discussion the Deputy Leader asked all Cabinet Members to confirm that they had read the detailed representations that were included with the supplementary agenda papers. All Cabinet Members confirmed that they had done this.

The Cabinet Member for Planning and Regeneration and Service Director for Legal and Democratic Services clarified some issues on Little Marlow Lakes. A number of residents believed that this piece of land was already a Country Park but it was not. Minutes from a legacy Wycombe District Council meeting in 2017 resolved that it was the intention of the legacy Council to establish a Country Park and powers were delegated to officers to undertake this process by working with the landowners.

Reference was made to the following piece of legislation :-

S7 Power to provide country parks.

1. *Subject to section 6 above, a local authority shall have power, on any site in the countryside appearing to them suitable or adaptable for the purpose set out in section 6(1) above, to provide a country park, that is to say a park or pleasure ground to be used for that purpose.*

3. The powers conferred by the foregoing provisions of this section and by the next following section may be exercised by the local authority—

a) on land belonging to them, or

b) on such terms as may be agreed with the owners and any other persons whose authority is required for the purpose, on other land, and an agreement under paragraph (b) above may provide for the making by the local authority of payments in consideration of the making of the agreement and payments by way of contribution towards expenditure incurred by the persons making the agreement in consequence thereof.

The Service Director for Legal and Democratic Services reported that as the legacy Council had not agreed anything with the landowners, the Country Park had therefore not been established and residents could not rely on the Countryside Act 1968 and the fact that an allocation had been made in the Wycombe Local Plan. The Council would focus on the part of the land that was owned by the Council and then develop a business plan and operating model for the Country Park which ensured the facility was delivered as a cost neutral enterprise. The business plan would be brought back to Cabinet for approval.

During discussion the following points were noted:-

- A number of the concerns raised by residents related to the proposal for the development of a film studio and whether this recommendation would give a 'green light' for future development. The Cabinet Member responded that the planning protection remained the same as it had previously in that it was treated as green belt land and he clarified that there was no enhancement of protection with the previous legacy Council resolution. The Service Director

for Planning and Environment confirmed that the new and old recommendation would not alter the allocation of the site in the Local Plan and that any application would continue to be considered as normal like any other green belt land.

- Reference was made to the recreational area and that a suitable restoration plan would be agreed in consultation with Natural England for the Spade Oak Lake Site which would be SANG compliant (suitable alternative natural greenspace). There would be no impact on Burnham Beeches.
- Much of the land that the Council owned in this area, namely the former Gravel Yard at Spade Oak Lake, was the subject of a restoration planning condition to return the site to a nature reserve. This condition was currently in breach and needed to be complied with by the end of the year (December 2022).
- In terms of developing a business case previous Council Country Parks had been successful at income generation and consideration would need to be given to using funding to support a good business case. However, until negotiations had been carried out with landowners it would be difficult to estimate the cost of any future proposals particularly with the need to be cost neutral. A further report would be submitted to Cabinet.
- The report showed a positive way forward in moving forward in a two step approach first looking at Council owned land and then dealing with other land ownership which would be more complex. Proposals to create a Country Park were first made in the 1960's and the Council were taking measures to progress the proposal.
- Local Members would be kept informed of progress.

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.**