



# Buckinghamshire Council

## Growth, Infrastructure & Housing Select Committee

### Minutes

**MINUTES OF THE MEETING OF THE GROWTH, INFRASTRUCTURE & HOUSING SELECT COMMITTEE HELD ON THURSDAY 15 DECEMBER 2022 IN THE OCULUS, BUCKINGHAMSHIRE COUNCIL, GATEHOUSE ROAD, AYLESBURY HP19 8FF, COMMENCING AT 10.00 AM AND CONCLUDING AT 11.43 AM**

#### **MEMBERS PRESENT**

D Carroll (Chairman), T Hogg, S Chapple, N Marshall, S Rouse, D Town, S Wilson, B Chapple OBE and N Thomas

#### **OTHERS IN ATTENDANCE**

S Bambrick, N Graham, L Michelson, T Fowler, A Collingwood, D Watson, P Strachan, M Tett and C Phillips

#### **Agenda Item**

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

Apologies had been received from Councillors Carl Etholen, Tom Hunter-Watts, Andrea Baughan, Qaser Chaudhry and Nic Brown.

Councillor Bill Chapple OBE was in attendance substituting for Councillor Chris Poll.

Councillor Nathan Thomas was in attendance substituting for Councillor Isobel Darby.

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

Councillor Bill Chapple OBE declared an interest in item 6 as Vice Chairman of the Aylesbury Garden Town Board.

Councillor Stuart Wilson declared an interest in item 7 as a member of the Member Development Working Group.

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

The minutes of the previous meeting held on 6th October 2022 were agreed as an accurate record.

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

There were no public questions.

##### **5 CALL IN OF THE DECISION ON LITTLE MARLOW LAKES COUNTRY PARK TAKEN AT CABINET ON 11TH OCTOBER 2022**

The Chairman invited Nick Graham, Service Director, Legal and Democratic Services, to outline the process for hearing the call-in and to advise the Select Committee on the validity of the call-in request that had been received in relation to the decision on Little Marlow Lakes Country Park taken at Cabinet on 11th October 2022.

Nick Graham reminded the committee of the call-in process laid out on page 161 of the Council's constitution. This statutory right could be applied to decisions made by Cabinet. The call-in request had been submitted by Cllr Stuart Wilson supported by a further 32 councillors, which met the required 15% of total councillors.

Nick Graham noted that the call-in request had been made on 3 grounds. The monitoring officer had rejected the first and second grounds. The third ground was found valid and subject to consideration at the Select Committee. The third ground related to Buckinghamshire Council being unable to deliver SANG (Suitable Area of Natural Green Space) requirements, as set out in Appendix 2, the call-in request form.

**RESOLVED – That the Select Committee agreed that the third ground of the call-in request was valid and that the Select Committee would continue to hear evidence from both sides at this meeting.**

#### The Call-in Submission – Cllrs Stuart Wilson and David Watson

The Chairman invited Cllr Stuart Wilson and Cllr David Watson to explain their reasons for requesting a call-in of the Cabinet decision of 11<sup>th</sup> October. The following main points were noted:

- Cllr Wilson felt the Cabinet Decision failed on the delivery of the country park at Little Marlow as envisaged and promised in the Wycombe Local Plan. The Cabinet decision for a substantially reduced country park could not meet the recreational mitigation requirements necessary for the major developments in Bourne End and Wooburn to proceed. The building would likely continue without the promised Little Marlow Lakes Country Park developing in parallel.
- The Council's failure to commit to the full country park now would give further encouragement and rise to future speculative industrial developments in the Little Marlow Lakes Country Park area.
- The response given in the report did not address the fundamental issues with the Cabinet decision. The area designated to be SANG could only be the area in the Council's ownership which would need to be negotiated with Natural England.
- The technical requirements for SANG were laid out in the appendix to the cabinet report. Natural England initially agreed to the SANG proposals for the Hollands Farm development in Bourne End based on the deliverability of 329 hectares and not the 55 hectares proposed here. Paragraph 2.14 of the response failed to note this difference.
- Natural England had re-inspected the site on 8<sup>th</sup> December and concluded that the site could be SANG compliant but with preconditions. The frequently polluting sewage treatment works is next to the path round Spade Oak Quarry. There is a limited space between the lake and the Sewage works and screening would not prevent the smell. The absence of odours is a requirement for SANG and Natural England require an odours report. There must be a circular walk which would need to go past the sewage works.
- The latest appropriate assessment of the Hollands Farm endorsed by Natural England

required 7 mitigation measures that sat outside of the Spade Oak Lake site. 5 out of 7 of those measures were rated high and would need to be implemented to meet the appropriate assessment requirements. One of these mitigation measures required negotiation with a private land owner.

- Cllr David Watson advised there was a failure by Wycombe District Council (WDC) to adhere to statutory requirements from September 2017 – March 2020. He felt there had not been a satisfactory answer to what these were. There were substantial differences in the legal advice given to WDC compared to Buckinghamshire Council relating to; time elapsed since provision, the private landowners and use of the term ‘designation’.
- WDC was given legal advice that it was not constrained by timing. Buckinghamshire Council legal advice was that there was a failure by WDC to do so. The Country Park was provided for and owned by various owners since 2017, BC had been in charge for 33 months out of these 63 months. It was noted there had been significant disruption during this period.
- With regards to private landowners, the 1968 Act has the power to provide a country park on land belonging to them, or other land owners. There was a suggestion the need to negotiate with private landowners across the area covered by policy RUR4 was contrary to how WDC was advised. Unrestricted public access was never envisioned.
- On ‘Designation’, the October 11<sup>th</sup> Cabinet report asserts a lack of formal designation. ‘Designation’ was not used in 1968 Act, and use of the term in the Cabinet Report was not valid. The Act does not mention designation and/or describe a process through which Designation could be achieved.
- The Buckinghamshire Legal Advice had introduced a criterion which is not in the law.
- A way forward was envisioned as a local project board to consider future options composed of local Members. Once options are determined, further legal advice could be sought, all decisions to be consistent with the 1968 Countryside Act. The Chairman received a statement from Joy Morrissey MP to this effect on the day preceding the meeting.

The Chairman invited Cllr Alex Collingwood to speak as a local Member on the call-in.

- Cllr Alex Collingwood questioned why, in 2.2, a whole Council resolution was no longer deemed valid. The Council was duty-bound to implement democratically approved decisions.
- Previously requested deferral to this, as there was uncertainty around the second legal opinion. 2.24 in the report shows there’s a temporary vehicle storage worth 1 million pounds over 5 years.
- The Cabinet decision was premature and not enough due diligence was taken to make a fully informed decision.
- The Holland Farm and Slate Meadow planning applications being approved would allow for section 106 agreement funds to be ring-fenced for use in delivering the country park.
- The Council’s film office should be using this site to generate additional revenue, confirmed in 5.4 of the report. The Council had enough capital and reserves and revenues to deliver the country park. This was the view of the government inspectors.
- Cllr Alex Collingwood requested that Cabinet should revisit the decision to assess the options

properly and fully, and then decide how the country park will be taken forward.

Response to the Call-in – Cllr Peter Strachan, Cabinet Member for Planning and Regeneration, Mr Steve Bambrick, Service Director, Planning and Environment, Nick Graham, Service Director, Legal and Democratic and Simon Meecham, Lead Local Plan Consultant.

- Cllr Peter Strachan clarified that the area in question was not currently a country park, and that Wycombe District Council had resolved to make the land a country park, but no steps had been taken to make the land into a country park. The WDC resolution relied on there being agreement with the other landowners on the site as it's not wholly owned by the Council. Those steps were not taken and therefore the land is not, with regards to the 1968 Countryside and Rights of Way Act, a Country Park.
- Unequivocal legal advice had been received by Buckinghamshire Council, that, if it were to deliver the Country Park, then it cannot rely on a resolution from its predecessor council, which prompted the report to Cabinet on 11<sup>th</sup> October. The Council had outlined their intent to deliver the site as a Country Park in the Cabinet report.
- Steve Bambrick gave advice at the Cabinet meeting that the Wycombe Local Plan would not be altered by the Cabinet report and that the allocation for a country park would remain.
- Cabinet had asked for a business case to be provided for the Country Park. Until that business case is produced, questions about deliverability were deemed speculative. With suitable mitigation measures, including structural planning, the area is capable of being SANG compliant.
- It was reiterated that Cabinet was correct to agree the principle of delivering phase 1 of the Country Park on land owned by the Council. This would be the most pragmatic and efficient way of delivering benefits in the Little Marlow area.
- Natural England decide whether a site can be SANG compliant. Conversations throughout the process had been ongoing to ensure this was possible. At a recent site visit, the capability of the site was determined to need certain conditions. The conditions would be addressed in the business case and management plan. Natural England have supported the case that the site can be SANG compliant.
- Nick Graham advised that the concern regarding Legal Advice was not considered a valid reason for the call-in. Cabinet has a right to seek legal advice as appropriate, which it had done, and the validity of this had been addressed by the Cabinet Member and the Monitoring Officer.

The Chairman thanked Cllr Strachan, Steve Bambrick and Nick Graham for this information and invited questions from Committee Members. In response to questions and during the subsequent discussions the following main points were noted:

- Cllr Stuart Wilson stated that he wished for Marlow Town Council and local Members to be consulted and involved with building the business case for the Country Park. The Cabinet Member clarified that the whole site was being considered for the Country Park in 2 phases. The second phase which dealt with the land that was privately owned would include consultation with local members and parish councils.
- Surrounding Planning applications were dependent on the delivery of this SANG, and the consequences of not delivering would detrimentally impact the 5 year housing supply in

Wycombe. That would encourage speculative planning applications that could take advantage of the opportunity. There was an urgency to deliver this, and delivering first on the land owned by the Council in a phased approach was the most logical course.

- The delivery of Hollands Farm development was not dependent on the whole of the county park allocation coming forward. It was reliant on the SANG requirement, and the SANG delivered on the council owned land would be sufficient for the site to come forward.
- Proximity of the sewage works, and the ability to mitigate the smell was a significant concern. The length and path of the circular walks were identified as needing clarification. Deliverability would be explained in detail in the business case.
- The breach that exists on the site is from a previous planning permission which required the restoration of the site to a certain specification. An enforcement notice had since been served. The notice required the restoration condition to be complied with. The subsequent management plan, should it be confirmed by Cabinet would be the subject of a Section 73 planning application to amend the condition on the site by restoring the site to a new Country Park with SANG compliance.
- Discussions with the developers of Hollands Farm and Slate Meadow with Natural England confirmed the existing site does have the capacity for both applications, and was capable of being SANG compliant.

#### **Deliberations**

The Chairman invited comments from Select Committee Members based on the written evidence in the agenda pack and the discussions at the meeting today

- Members expressed an eagerness for the project to move forward and that further delay would be detrimental to the development of the Country Park.
- A Member looked forward to future consultation on the Country Park and local Member involvement.

As there were differing views, the Chairman put the issue to a vote. A majority of Members present voted in favour of rejecting the call-in and taking no further action.

**RESOLVED – That the Select Committee reject the Call-in request and take no further action.**

## **6 AYLESBURY GARDEN TOWN UPDATE**

The Committee received an update from Cllr Martin Tett, Leader of the Council, Cllr Peter Strachan, Cabinet Member for Planning and Regeneration and Lisa Michelson, Service Director, Economic Growth and Regeneration, on the Aylesbury Garden Town.

The following points were highlighted:

- The Aylesbury Garden Town was important for the economic growth agenda around Aylesbury. The project would aim to improve the town establishing it as an excellent place to live. Improvements were aimed at housing, green infrastructure, leisure centres and the town centre.
- Bids for levelling up funds had been submitted for the regeneration of the bus station, south

east ring road and the Gardenway. The result of these bids would be revealed by the end of 2022. Various Aylesbury wards had been identified as targeted wards for Opportunity Bucks, the Council's local levelling up initiative. There are 4 work streams within the programme - workforce & employment, skills & development, public health and public realm. These work streams would be used to improve lives of local residents and target those in certain wards.

- Following the transformation of Aylesbury in the 1960's, the historic centre of the town was replaced. This created areas within Aylesbury with distinctly different styles.
- The Council owns the County Hall, as well as Friar's Square. The Economic Growth and Regeneration Team would be looking in detail at redevelopment plans for these areas to find an appropriate style.
- The projects for the area would need to be conducted in partnership with various organisations due to the substantial cost. Discussions had taken place with the Local Enterprise Partnership on how to leverage funding into the area. There would also be the need for major private sector funding. Significant challenges had arisen from massive inflation which has especially affected the construction sector. Local MPs, such as Rob Butler, had been very supportive of lobbying for funding.

During discussion, comments and questions raised by the Committee included:

- The final decision on the character of town had not yet been decided, this would involve significant consultation with various stakeholders. Input from local people would be important for this.
- Town centre regeneration was an identified ambition as part of the masterplan. Detailed proposals would be brought to Cabinet during 2023. This would look at opportunities and challenges, as well as how the Council could best influence its investment. Stakeholders and the public will be involved and input from local people will be sought.
- A distinct style for the regeneration had not been identified, and there was an aim to find a durable approach, and not something that would fall out of fashion quickly.
- The Aylesbury Masterplan went to public consultation in 2020, and was adopted by the Council. Further updates had been included in press releases and ongoing communication would be pursued as necessary. Thought would be given to the method which would be most effective when disruption from the projects would occur.
- There were areas of significant deprivation in Buckinghamshire, and measures such as those included in the Aylesbury Garden Town aimed to address this. Enhancement of communities, infrastructure and levelling up priorities would improve the lives of local residents.
- Planning processes for large developments, often dependent on infrastructure projects would be slow. The delivery of infrastructure projects would be key, especially with the large housing growth expected in Aylesbury. It is important to not rush the process to ensure the correct outcome.

## **7 MEMBER ENGAGEMENT IN PLANNING REVIEW UPDATE**

The Committee received an update from Cllr Peter Strachan, Cabinet Member for Planning and Regeneration and Steve Bambrick, Service Director, Planning & Environment.

## **8 WORK PROGRAMME**

Members were advised to contact the Scrutiny Officer for the committee with any additional topics they wished to be included in the Growth, Infrastructure and Housing work programme.

## **9 DATE OF NEXT MEETING**

The next meeting of the Growth, Infrastructure and Housing Select Committee would be on 16<sup>th</sup> February 2023 at 10am.