

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **WIXAMS JOINT DEVELOPMENT CONTROL COMMITTEE**
held in Room 14, Priory House, Monks Walk, Shefford on Tuesday, 31 July 2018

PRESENT

Cllr K C Matthews (Chairman)

Central Bedfordshire Councillors: Cllrs M C Blair P Downing Cllrs P A Duckett

Bedford Borough Councillors: Cllrs G Coombes S-J Holland

Apologies for Absence: Cllrs Mrs A Barker (Central Bedfordshire Council)
T Hill (Bedford Borough Council)
S Hunt (Bedford Borough Council)
W Hunt (Bedford Borough Council)
M Masud (Bedford Borough Council)
M Smith (Bedford Borough Council)
A M Turner (Central Bedfordshire Council)

Substitutes: Cllr F Firth (In place of A M Turner)

Officers in Attendance: Ms P Bramwell – Planning and Highways Solicitor, LGSS Law Ltd (Central Bedfordshire Council)
Ms J Laver – Manager – Development Management (Bedford Borough Council)
Mr L Manning – Committee Services Officer (Central Bedfordshire Council)
Mrs L Newlands – Technical Skills and Academy Manager (Central Bedfordshire Council)
Mr J Shortland – Chief Officer for Planning and Highways (Bedford Borough Council)
Mr G Richards – Principal Planner (Bedford Borough Council)
Miss D Willcox – Principal Planning Officer (Central Bedfordshire Council)

WJDC/18/1 Chairman's Announcements and Communications

The Chairman asked all attendees to turn off their mobile phones. He explained the procedure to be followed and advised that although

representatives from other parties were present (Gallagher Estates and Wilshamstead Parish Council) there were no public speakers.

WJDC/18/2 Minutes

Members' attention was drawn to resolution (2) of minute 6 which required the Manager for Development Management (Bedford Borough Council) to arrange a site visit to Wixams for Members and officers. The meeting noted that this had not yet been done. In response the Manager - Development Management (Bedford Borough Council) advised the Committee that she had only recently replaced the previous postholder and had not been aware of the need for a site visit until that day. She assured Members that the site visit would be arranged shortly.

RESOLVED

that the minutes of the meeting of the Wixams Joint Development Control Committee held on 6 November 2017 be confirmed and signed by the Chairman as a correct record.

WJDC/18/3 Members' Interests

**(a) Personal Interests:-
Member**

Member	Item	Nature of Interest	Present or Absent during discussion
Cllr G Coombes	5	Is a resident of Wixams.	Present
Cllr S-J Holland	5	Partner is an employee of Network Rail.	Present

**(b) Personal and Prejudicial Interests:-
Member**

Member	Item	Nature of Interest	Present or Absent during discussion
None.			

**(c) Prior Local Council Consideration of Applications:-
Member**

Member	Item	Parish/Town Council	Vote Cast
None.			

WJDC/18/4 **Revision to the Triggers for Certain Obligations Contained in the Wixams Section 106 Agreement**

The Committee had before it a report which sought approval of the proposed amended Heads of Terms set out in paragraph 2.1.1 (a) - (h) of Appendix A to the officers' report as follows:

- (a) Amending and updating the triggers for various pieces of infrastructure, to include date triggers and switching commitments to Village 3;
- (b) Extending the timescales for the provision of the railway station contribution for a further five years;
- (c) Earlier delivery of key roads/Highway infrastructure;
- (d) Amending the affordable housing delivery of Village 3 to be in line with the delivery arrangements for Village 2 as agreed in the 4th and 7th Deeds of Variation
- (e) Deletion of the obligation to provide the First Day Nursery in Village 1, subject to the transfer of land to Bedford Borough Council for the provision of a Day Nursery being completed simultaneously with the completion of the Deed;
- (f) The Landscape Enhancement Area between Wixams and Wilstead to be offered to the Wilstead Parish Council (or successor) at nil cost by 200th occupation within Village 2, and to pay the Commuted Payment for laying out and maintaining the Landscape Enhancement Area.
- (g) The earlier delivery of the Expansion Land obligations;
- (h) Tidies up various points, including listing the previous Deeds of Variation, making minor alterations to the boundaries of the Villages 2, 3 and 4 and removing references to Middle School and the requirement to deliver a Pilot Wind Power Project in the Town Centre.

The Principal Planner (Bedford Borough Council) updated the meeting verbally as follows:

“Discussions have been on going with Developer, Wilshamstead Parish Council and the Marston Vale Trust, regarding the Landscape Enhancement Area (LEA). Agreement has now been reached with all parties, that the woodland area of the LEA will be transferred (by way of lease) to the Parish Council on the completion of the Deed of Variation. In terms of the Landscape Enhancement Area Commuted Payment, the sum of £289,000 has been agreed - an initial sum of £89,000 will be transferred to the Parish Council with the land, followed by a further commuted payment of £200,000, which will be paid in equal instalments paid over the next 4 years (£50,000 per year). The Heads of Terms, the Deed, triggers and the Landscape Enhancement Area Plan will be amended accordingly.

With regard to the transfer and commuted payment for the rest of the LEA, which includes the newt reserve area, this will not be included in the land being transferred to the Parish Council (as set out above), as the developer continues

to require this area to translocate newts as necessary and the Parish Council has confirmed that they do not want this land to be included in the transfer at this time.

Whilst the LEA will be a smaller area than originally planned and there will be no requirement for the developer to transfer any further land or payments within the LEA, Members should note that the current S106 does not include a trigger requiring the developer to implement a landscape scheme in the LEA. The Deed will therefore enable the delivery of a Landscape Enhancement Area between Wixams and Wilstead, which has been agreed between the Parish Council, Marston Vale Trust and the developer.”

The meeting noted that whilst the commuted payment would be made to Wilshamstead Parish Council it would be the Marston Vale Trust which would develop and implement the above landscape scheme under the working relationship between the two parties.

In view of the Principal Planner's update it was recommended to the Committee that the proposed amendment to the Heads of Terms at paragraph 2.1.1 (f) of Appendix A be altered to read as follows:

‘The Landscape Enhancement Area (as defined by the Landscape Enhancement Plan) between Wixams and Wilstead to be offered to the Wilshamstead Parish Council (or successor) at nil cost on the completion of the Deed of Variation and the developer to pay the Landscape Enhancement Area Commuted Payment.’

Arising from a Member's query on the proposed amendment at 2.1.1 (b) to extend the timescale for the provision of the railway station contribution (from Gallagher Estates) for a further five years the meeting was advised that the original timescale had been twelve years. Under the current Section 106 Agreement the obligation was, therefore, due to fall away in 2019. It was noted that the contribution was subject to indexation. It was further noted that it had never been intended that the contribution from the developer would represent the total level of funding required to provide the railway station and the outstanding sum was to have been contributed by Network Rail. With the subsequent changes to Network Rail's ability to borrow, alternative funding sources were now being explored. The Member expressed disappointment that Wixams might have to wait a further six years before the provision of its railway station.

The ward Member challenged the claim set out in Appendix A that the reason for the failure to deliver the railway station was due to uncertainties in relation to the delivery of East West Rail. However, the Principal Planner (Bedford Borough Council) stated that the uncertainties had acted to delay the delivery as East West Rail was still considering its route options.

The ward Member then welcomed the report and the overall progress being made. He expressed his thanks to the officers and Gallagher Estates for the discussions that had been held and to Wilshamstead Parish Council with regard to the transfer of the woodland area of the Landscape Enhancement Area.

The ward Member expressed concern that despite the presence of triggers and deadlines there appeared to be no action by the Bedfordshire Clinical Commissioning Group (BCCG) to provide healthcare facilities at Wixams. In response the Technical Skills and Academy Manager (Central Bedfordshire Council) explained that discussions had been held with the BCCG and it was keen to engage with Gallagher Estates on the delivery of such a facility. The BCCG had acknowledged that a facility was required and the existing health care provision was inadequate. She stated that a meeting would be arranged.

Discussion took place on the BCCG's administrative boundaries and whether they corresponded to those of local authorities. Discussion also took place on whether the BCCG was clear as to what the Committee expected it to provide. The Technical Skills and Academy Manager advised the meeting that whilst the Section 106 Agreement required Gallagher Estates to provide land for health care provision it was the BCCG's decision as to how the site was used.

RESOLVED

- 1 that the proposed amended Heads of Terms, as set out in paragraph 2.1.1 (a) to (h) of Appendix A to the officer report and reproduced in the preamble above, be approved subject to resolution 2 below;**
- 2 that the proposed amended Heads of Terms as set out in paragraph 2.1.1 (f) be revised to read as follows:**

'The Landscape Enhancement Area (as defined by the Landscape Enhancement Plan) between Wixams and Wilstead to be offered to the Wilshamstead Parish Council (or successor) at nil cost on the completion of the Deed of Variation and the developer to pay the Landscape Enhancement Area Commuted Payment.'
- 3 that a monitoring/update report on the progress made on all aspects of the Wixams development and the Section 106 triggers be circulated to the Committee every six months starting from December 2018;**
- 4 that thanks be extended to all parties involved mindful of the need to engage with other stakeholders to ensure the triggers are met.**

(Note: The meeting commenced at 6.30 p.m. and concluded at 7.04 p.m.)

Chairman.....

Dated.....