

**DEVELOPMENT AT CAMBRIDGE NORTH WEST : NATIONAL INSTITUTE OF  
AGRICULTURAL BOTANY FRONTAGE SITE (NIAB) 1 SITE – SECTION 106  
CAMBRIDGESHIRE GUIDED BUS CONTRIBUTION**

*To:* **Cabinet**

*Date:* **24<sup>th</sup> November 2009**

*From:* **Executive Director, Environment Services**

*Electoral division(s):* **Castle, Cottenham, Histon and Impington**

*Forward Plan ref:* **Not applicable** *Key Decision:* **No**

*Purpose:* **To provide**

**(a) more detailed information on the NIAB development and the transport mitigation package that supports the development proposals and the role of Cambridgeshire Guided Busway within this mitigation package.**

**(b) more detailed information on the planning policy context within which a possible capital contribution to the CGB scheme is evaluated; and to**

**(c) consider whether a contribution to the capital cost of the Cambridgeshire Guided Busway scheme should be sought from this development.**

*Recommendation:* **Cabinet is:**

**i) invited to note the officer's assessment of the policy and other considerations contained within this report and**

**(i) to approve not seeking a capital contribution for the CGB from this development.**

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## **1. BACKGROUND**

- 1.1 The NIAB proposal is for 1,593 new dwellings and associated infrastructure on the land to the north of Huntingdon Road in northwest Cambridge. On 20<sup>th</sup> October 2009, Cabinet considered and endorsed the proposed Section (S) S106 heads of terms for the NIAB development in the northwest of Cambridge. This package is extensive and covers all of the County Council services including transport.
- 1.2 However, Members expressed concerned regarding the Officers recommendation not seek a contribution from the NIAB development towards the capital cost of the Cambridgeshire Guided Busway (CGB) scheme. This report responds to Members concerns and details the further assessment that Cabinet required officers to undertake on this matter.

## **2. TRANSPORT MITIGATION PACKAGE FOR NIAB DEVELOPMENT**

- 2.1 In May 2009, Cabinet considered the draft consultation response on the NIAB application. The transport matters were reported in some detail and the basis of the recommendations included that, subject to adequate mitigation being agreed by the developer, the NIAB application and its traffic impact were acceptable in policy terms. It is important to note that this mitigation did not include reliance on the CGB.
- 2.2 Cabinet has approved a S106 package of £6.0M for transport funding to support this development. This package is being pursued with the developers and the current position is that this package is accepted in full, save the CGB contribution. Key transport features of the agreed S106 package are:
- Contribution of £3,423,730 to the Northern Corridor Area Transport Plan – this funding will be used to provide transport infrastructure and service improvements;
  - Contribution of £513,570 to the Western Corridor Area Transport Plan – this funding will be used to provide transport infrastructure and service improvements;
  - Contribution of £850,080 to provide bus service to serve the development site and for movement into Cambridge City;
  - Contribution of £500 000 for local improvements to existing cycle paths and pedestrian crossings.
- 2.3 In addition, Planning Conditions for any planning permission granted for NIAB will require improvements to the A14 Histon interchange and also the junction of the Bridge Street/Cambridge Road junction in Impington.

### **3. ASSESSMENT OF PLANNING POLICY CONSIDERATIONS FOR CGB CAPITAL CONTRIBUTION**

- 3.1 The recommendations of County Officers to Cabinet and in turn the Fringes Joint Development Control Committee on S106 packages need to accord with adopted planning policy and also the guidance note 5/2005 "Planning Obligations".
- 3.2 Policy 9/8 of the adopted Cambridge Local Plan 2006 requires public transport improvements associated with the NIAB site, but does not specifically require contributions to the Guided Busway. It is important to note that the sites that are contributing to the CGB capital costs are those which have the CGB running through the sites (Addenbrooke's expansion and Clay Farm) or immediately adjacent to it (Trumpington Meadows, Orchard Park and Northstowe).
- 3.3 This proximity is important in relation to the test of the Circular 5/2005 which requires that planning obligations must be directly related to the site. In planning policy terms the NIAB site has a lesser relationship and is therefore not as strongly supported (and definitely not explicitly supported) in policy as the southern fringe sites or Northstowe.
- 3.4 Policy 8/3 provides general support in requiring development to mitigate its own transport impact. However it provides no direct and clear policy support for a capital contribution to CGB.
- 3.5 Turning to the Transport Assessment, Officers have reviewed this for the NIAB proposals and are clear that there is no reliance on the CGB built into the transport strategy for this site.
- 3.6 Drawing together the policy background and consideration of the Transport Assessment, Officers conclude that seeking the capital contribution for CGB from this development is not sustainable or defensible. Given the significant sum that was originally sought, it is the view of officers that maintaining this position would almost certainly lead to an appeal situation and all other S106 matters could be at risk. Officers advise that there is a significant risk that the case would be found in favour of the developer. For that reason, it is recommended that the requirement for the contribution be reviewed. It should also be noted that contributions from the NIAB site were not built into original calculations of where developer contributions for the CGB would come from.

### **4. SIGNIFICANT IMPLICATIONS**

#### Resources and Performance Implications

- 4.1 If schemes funded by s106 payments are delayed, this could have an impact on the Council's performance and particularly the services that it provides to the Community. This has been considered in the assessment above and as CGB contributions from NIAB were not expected at the time the funding package for the CGB was being put together, this decision should not affect the overall funding of the scheme.

### Statutory Requirements and Partnership Working

4.2 There are no significant implications under this heading.

### Climate Change

4.3 There are no significant climate change implications.

### Access and Inclusion

4.4 There are no implications under this heading.

### Engagement and Consultation

4.5 There are no implications under this heading.

<b>Source Documents</b>	<b>Location</b>
Copies of S106 agreements are held by the New Communities Service	Castle Court A wing 2nd Floor
Original S106 agreements are held by the County Council Records Office	Shire Hall 023