

GREATER CAMBRIDGE CITY DEAL EXECUTIVE BOARD DELEGATIONS

To: Planning Committee

Meeting Date: 10th March 2016

From: Quentin Baker, LGSS Director of Law and Governance

Electoral division(s): Abbey; Arbury; Bar Hill; Bassingbourn; Bourn; Castle; Cherry Hinton; Coleridge; Cottenham, Histon and Impington; Duxford; East Chesterton; Fulbourn; Gamlingay; Hardwick; King's Hedges; Linton; Market; Melbourn; Newnham; Papworth and Swavesey; Petersfield; Queen Edith's; Romsey; Sawston; Trumpington; Waterbeach; West Chesterton; Willingham.

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

Purpose: To consider proposals to clarify the delegation of powers to the Greater Cambridge City Deal Executive Board and to recommend that Council makes the appropriate changes to its Constitution to reflect this.

Recommendation: The Committee is recommended to endorse and propose to Council that the responsibility for considering planning applications for City Deal infrastructure schemes is delegated to the Cambridge Fringes Joint Development Control Committee and that the Terms of Reference of the Cambridge Fringes Joint Development Control Committee are amended accordingly.

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1. BACKGROUND

1.1 Full Council on 16 December 2014 approved the formation of the Greater Cambridge City Deal Joint Assembly and Executive Board, and agreed to delegate certain functions to the Executive Board as the decision-making body for the Greater Cambridge City Deal.

1.2 The Executive Board Terms of Reference include the following wording in paragraph 4.3, which sets out the scope of the delegated responsibilities:

“The three Councils agree to delegate exercise of their functions to the Executive Board to the extent necessary to enable the Board to pursue and achieve the objectives of the Greater Cambridge City Deal and to undertake any actions necessary, incidental or ancillary to achieving those objectives, and, accordingly, the three Councils shall make the necessary changes to their respective schemes of delegation. The Executive Board may further delegate to officers of the three Councils.”

2. MAIN ISSUES

2.1 In order to ensure the smooth functioning of the Greater Cambridge City Deal governance arrangements, and particularly the delivery of the infrastructure investment programme on a very tight timescale, it is considered necessary to clarify the delegations that are considered to have been made.

2.2 The wording under paragraph 1.2, drawn from the Executive Board Terms of Reference, makes clear that the Executive Board is empowered to undertake any actions necessary, incidental or ancillary to achieving the objectives of the City Deal. Officers have considered the functions that could be considered to be covered by this wording, and have made recommendations in each case to provide clarification. These functions are:

- Traffic Regulation Orders (TROs)
- Compulsory Purchase Orders (CPOs)
- Side Roads Orders (SROs)
- Transport and Works Act Orders (TWAOs)
- Grant of Planning Consent

2.3 Constitution and Ethics Committee on 17th November considered recommendations to provide clarity in respect of each of the above. The Committee considered that the relevant Committees should have the opportunity to consider and comment upon the delegated powers, prior to consideration by full council.

2.4 Planning Committee are responsible for considering planning applications for County Council promoted infrastructure projects.

Definition of City Deal infrastructure schemes

2.5 In order to delineate the boundaries of the City Deal Board delegated authority it is necessary to define what is considered to constitute a ‘City Deal infrastructure scheme’. This definition will then be used to determine which

body holds the responsibility for making the decision concerned. The following definition is proposed :

“A City Deal infrastructure scheme is one arising from the Greater Cambridge City Deal which has all of the following characteristics:-

- i. Has been and remains designated by the Greater Cambridge City Deal Executive Board as a City Deal infrastructure scheme.*
- ii. Is, or has been funded in whole or in part by funds received by the County Council under the auspices of the Greater Cambridge City Deal or allocated to the Greater Cambridge City Deal Executive Board by participating Authorities.”*

- 2.6 The responsibility for ensuring that the process of preparing and consulting on the proposals, drafting the orders and considering representations also passes to the Board. County officers will be carrying out this work for City Deal schemes as they do for County Council schemes, and will continue to engage with local communities and local members of the three partner authorities, as they do now.
- 2.7 The City Deal Assembly acts as a consultative forum and makes recommendations to the City Deal Board. It is also planned to set up Local Liaison Forum for each project, or a group of projects in a corridor, to engage with local members and other representative groups.

Planning Consent

- 2.16 City Deal infrastructure schemes that are not within the highway will require planning consent in order to be delivered. Planning consent for transport schemes promoted by the County Council is considered by the County Council's Planning Committee, however the County Council has already delegated decisions on County Council applications to the Cambridge Fringes and Northstowe Joint Development Control Committees where applications fall within their respective remits.
- 2.17 Legal advice suggests that planning decisions should where possible be made across the relevant geography – in this case Cambridge City and South Cambridgeshire. By doing so, it is possible to ensure that planning decisions most accurately reflect local circumstances, ambitions and constraints. It is therefore recommended that the most appropriate way to implement this principle would be to modify the remit of the Cambridge Fringes Joint Development Control Committee, which includes Members from all three partner Councils, to include planning permission for City Deal infrastructure schemes.
- 2.18 It is proposed that the Cambridge Fringes Joint Development Control Committee retains its geographical coverage, except in the case of City Deal infrastructure schemes when its geographical coverage extends to the whole area of Cambridge City and South Cambridgeshire. Short of creating a new Committee, this is considered to be the most appropriate available option. It is proposed to revise the Terms of Reference of the JDCC as set out in Appendix 1.

3. ALIGNMENT WITH CORPORATE PRIORITIES

3.1 Developing the local economy for the benefit of all

There are no significant implications for this priority.

3.2 Helping people live healthy and independent lives

There are no significant implications for this priority.

3.3 Supporting and protecting vulnerable people

There are no significant implications for this priority.

4. SIGNIFICANT IMPLICATIONS

4.1 Resource Implications

There are no significant implications within this category.

4.2 Statutory, Risk and Legal Implications

The following bullet points set out details of significant implications identified by officers:

- The recommendations made in this report would require some changes to the Council's Scheme of Delegations to clarify and confirm those delegations that are already considered to have been made but are not considered to be sufficiently clear.
- Leaving the responsibilities that are recommended to be confirmed as within the remit of the Greater Cambridge City Deal Executive Board with their 'business as usual' owners risks introducing conflict at several stages between the Executive Board and other bodies, which would substantially harm the delivery of the City Deal programme and reduce the likelihood of securing future City Deal funding (of which up to £400 million is potentially available).
- This would also cause substantial reputational harm, as the business community would see Greater Cambridge as a less attractive place to invest.

4.3 Equality and Diversity Implications

There are no significant implications within this category.

4.4 Engagement and Consultation Implications

The following bullet points set out details of significant implications identified by officers:

- Legal advice and the recommendations made in this report have been subject to discussion among the three partner Councils in the Greater

Cambridge City Deal (the County Council, Cambridge City Council and South Cambridgeshire District Council).

4.5 Localism and Local Member Involvement

The following bullet points set out details of significant implications identified by officers:

- The recommendations made in this report would strengthen the ability of the Greater Cambridge City Deal Executive Board to deliver its ambitious infrastructure programme.
- This would empower this body that is acting more locally across Cambridge City and South Cambridgeshire, and would ensure that most decisions affecting the infrastructure programme are being made and controlled within that area, rather than by the wider County.

4.6 Public Health Implications

There are no significant implications within this category.

Source Documents	Location
Constitution & Ethics Committee – Greater Cambridge City Deal: Establishment of Joint Committee (11 November 2014)	http://www2.cambridgeshire.gov.uk/CommitteeMinutes/Committees/AgendaItem.aspx?agendaItemID=10582

**TERMS OF REFERENCE FOR
JOINT DEVELOPMENT CONTROL COMMITTEE
CAMBRIDGE FRINGES**

1. Parties:

Cambridge City Council
Cambridgeshire County Council
South Cambridgeshire District Council
(‘the Councils’)

2. Status:

This Committee is a joint committee to be formed by resolutions of the Councils pursuant to section 101(5), Local Government Act, 1972.

3. Membership:

6 Members appointed by Cambridge City Council
4 Members appointed by Cambridgeshire County Council
6 Members appointed by South Cambridgeshire District Council

4. Terms of reference:

4.1 The Committee’s remit is to discharge the functions (‘the functions’) set out in Appendix 1, the exercise of which have been delegated to the Committee by the parties, subject to the limitation in paragraph 4.2. The functions delegated include the power of the Councils to determine planning applications by virtue of Regulation 3 of the Town and Country Planning General Regulations 1992.

4.2 The Committee shall only discharge the functions:

- a) in respect of major developments¹ falling wholly or substantially within the areas shown edged in blue on the plans forming Appendix 2 and ancillary applications relating to such Major Developments¹ referred to it by the relevant Head of Planning of the Council issuing the consent for the Major Development in question. ‘Major development’ is defined by reference to Article 1 of the Town and Country Planning (General Development Procedure) Order 1995 as in force on 1 May 2007 or as subsequently amended or replaced; and
- b) In respect of “City Deal infrastructure schemes” referred to it by the relevant Head of Planning of the Council issuing the consent for the City Deal infrastructure scheme in question. A “City Deal infrastructure scheme” is

¹ “Major development means development including any one or more of the following:

- (a) waste development;
- (b) the provision of dwelling-houses where
 - (i) the number of dwelling-houses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within paragraph (c)(i);
- (c) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; [clarify for article 3s in relation to things like libraries which may be smaller size] or
- (d) development carried out on a site having an area of 1 hectare or more.
- (e) Regulation 3 developments for all new facilities

defined as a project arising from the Greater Cambridge City Deal which has all of the following characteristics:-

- has been and remains designated by the Greater Cambridge City Deal Executive Board as a City Deal infrastructure scheme; and
- is, or has been funded in whole or in part by funds received by Cambridgeshire County Council under the auspices of the Greater Cambridge City Deal or allocated to the Greater Cambridge City Deal Executive Board by participating authorities.

4.3 The Committee may exercise the subsidiary powers authorised pursuant to section 111, Local Government Act 1972 in connection with the discharge of the functions.

4.4 The Committee may exercise the powers of delegation contained in section 101(2), Local Government Act 1972

4.5 All members shall be entitled to vote on the following applications: Trumpington Meadows; Cambridge Northern Fringe East; Cambridge East; Northwest Cambridge including NIAB; Glebe Farm; City Deal infrastructure schemes. Only the City and County members shall be entitled to vote on Clay Farm-Showground and Bell School.

5. Standing Orders

5.1 The Committee shall be governed by the Standing Orders set out in Appendix 3.

6. Administration

6.1 The Council which is the local planning authority shall receive applications relating to the functions in the usual way and shall be responsible for all administrative stages leading to and flowing from the exercise of the functions.

6.2 Cambridge City Council's staff shall be responsible for all matters connected with the administration of the committee, including the preparation and dispatch of agendas and securing premises at which the committee may meet.

Functions delegated to the Committee

To exercise each of the Councils' powers and duties in relation to development control on Major Developments, ancillary developments and City Deal infrastructure schemes, including for the avoidance of doubt the power to approve authorise and direct the respective Councils to enter in to agreements regulating the development or use of land pursuant to S106 of the Town and Country Planning Act 1990 and related powers and to prepare for approval by each Council a scheme of delegation to Officers insofar as this has not been agreed prior to commencement of the Committee and thereafter to keep such scheme of delegation under review.