

## **South Cambridgeshire District Council**

Minutes of a meeting of the Cabinet held on  
Monday, 11 July 2022 at 10.00 a.m.

Present: Councillor Bridget Smith (Leader of Council)  
Councillor Judith Rippeth (Deputy Leader of the Council)

Councillors:	John Batchelor	Lead Cabinet Member for Housing
	Bill Handley	Lead Cabinet Member for Communities
	Dr. Tumi Hawkins	Lead Cabinet Member for Planning
	John Williams	Lead Cabinet Member for Resources

Officers in attendance in the Council Chamber for all or part of the meeting:

Aaron Clarke	Democratic Services Technical Officer
Stephen Kelly	Joint Director of Planning and Economic Development
Peter Maddock	Head of Finance
Jonathan Malton	Cabinet Support Officer
Rory McKenna	Monitoring Officer
Liz Watts	Chief Executive

Officers in attendance remotely for all or part of the meeting:

Gareth Bell	Communications and Communities Service Manager
Peter Campbell	Head of Housing
John Cornell	Natural Environment Team Leader
Jonathan Dixon	Planning Policy Manager
Bode Esan	Head of Climate, Environment & Waste
Linda Gallagher	Project Officer
Jane Green	Built and Natural Environment Manager
Caroline Hunt	Strategy and Economy Manager
Stuart Morris	Principal Planning Policy Officer
Daniel Weaver	Ecology Consultancy Officer

Councillor Anna Bradnam was in attendance in the Council Chamber.

Councillors Dan Lentell, Brian Milnes (Lead Cabinet Member for the Environment) and Dr. Lisa Redrup were in attendance remotely.

### **1. Announcements**

There were no announcements.

### **2. Apologies for Absence**

There were Apologies for Absence from Councillor Peter McDonald, Lead Cabinet Member for Economic Development.

### **3. Declarations of Interest**

Councillor Brian Milnes, Lead Cabinet Member for the Environment, declared an interest in item 7, Lynton Way, Sawston, as a Member of Sawston Parish Council.

#### **4. Minutes of Previous Meeting**

Cabinet **authorised** the Leader to sign, as a correct record, the Minutes of the meeting held on Monday, 13 June 2022.

#### **5. Public Questions**

Cabinet received five requests to speak from the public ahead of the meeting.

##### **a) From Mrs. Elizabeth McWilliams**

In the news currently are two issues totalling nearly £33m of 'funding shortfalls' between developer promises and what can be achieved in the S106 agreements - significant projects that were originally going to be paid for by the developer, but that now require public monies in order to be completed:

- i) the request to the Greater Cambridge Partnership for £20m to relocate the railway station from Waterbeach to the New Town;
- ii) South Cambs District Council investing £12.85m in Northstowe for a sports pavilion and other community facilities.

My question (in 3 parts) is about how South Cambs District Council is going to avoid any more such large projects requiring public funding, specifically:

- 1) What risk assessment has been undertaken on other developments currently between outline planning stage and finalisation of S106 agreements?
- 2) Has that risk assessment process identified any other projects at risk of funding shortfall?
- 3) What lessons has the Council learned about how to do this better in future?

##### **Response from Councillor Dr. Tumi Hawkins, Lead Cabinet Member for Planning:**

The delivery of strategic development sites requires careful consideration of development viability – because such projects over a long period of time often require very significant up front infrastructure investments that have to be made before any new homes can be sold - to help repay the borrowing etc. The Council has, in recent year, routinely undertaken viability assessments to help it to determine what infrastructure of other planning objectives the “development value” created by the planning permission should be directed towards. Recent S106 planning agreements have also sought to move away from placing obligations upon the District Council for delivery of new infrastructure – precisely to manage the risks upon the Council. The County Council also have their own risk management approach.

The Waterbeach funding decision does not impact the District Council or the planning outcomes envisaged by the planning application. The obligations arising in phase 1 of the Northstowe Development are not repeated in the most recent phases 3A or B. The agreements for other, more recently consented strategic sites also do not include the option for the developer to invite the District Council to deliver new infrastructure. The circumstances at Northstowe are not therefore repeated elsewhere

Recognising the changing circumstances over the 20+ year life of a development, the Planning Authority nevertheless maintains a continuing relationship with the lead developer on all major sites – to ensure that risks and issues surrounding delivery and viability can be explored alongside solutions. Strategic sites form a central plank of the Council's growth strategy (and 5 year land supply) and ensuring continued delivery of new homes on these sites is therefore important, if we are to avoid the risk of unplanned growth taking place elsewhere.

The current inflation rates mean that build costs and development viability may be adversely impacted on both small and large development sites. S106 agreements and planning permissions nevertheless define a set of requirements to be met. If a development becomes unviable, developers can either choose not to build (indeed they will be unable to secure lending/funding to do so) or may ask for the Planning permission or its S106 to be varied. The LPA is required to consider such requests. Depending upon the size of a project, measures to improve viability can lead to requests to change levels of affordable housing delivered or request to delay infrastructure delivery or change or reduce the specification of works or scale of contributions. The LPA would expect any such request to be justified by evidence. Instead of seeking to vary planning permissions, developers may also look to access other funding sources – such as grants or loans – to render development viable. The recent decision of GCP to take over delivery of the railway station at Waterbeach is an example of such public sector support that is routinely sought to enable development to take place across the country – the public funding of the Northern Line extension in London to serve Battersea/Nine Elms is another such example.

Based upon our engagement with developers of strategic sites across the area, we are not aware of any similar issues/requests for support impacting planning outcomes proposed to be delivered on other strategic sites at this time.

The Council has changed its S106 agreements to remove in most cases, options for the developer to obligate/nominate the District Council to step in to deliver infrastructure. As indicated above, it continues to engage with all strategic site developers to ensure delivery risks are understood and effectively managed.

Mrs. Elizabeth McWilliams was invited to ask a supplementary question. She asked about investment into the Waterbeach new town, and the relocation of the Waterbeach railway station. Councillor Bridget Smith, Leader of the Council, said the funds allocated from the Greater Cambridge Partnership was ringfenced for the development of housing, and the relocation of the railway station would enable houses to be built.

**b) From Mr. Tim Andrews**

I am a Fulbourn resident who lives off Cow Lane, very near to Fulbourn Fields. I'm very disappointed that the developer has won its legal challenge to build 110 houses on the site off Teversham Road.

South Cambs District Council had refused the reserved matters application last year but the developer was able to convince the planning inspector to support the plans, particularly concerning the flood risk.

As one of many people directly affected by the substantial potential flood risk arising as a consequence of this of development proceeding, I'd like to ask Councillor Smith and/or Councillor Hawkins what their reaction is to the decision and what will the Council do differently another time.

**Response from Councillor Dr. Tumi Hawkins, Lead Cabinet Member for Planning:**

The Council is clearly disappointed that having refused planning permission for the reserve matters at the Planning Committee meeting, the appeal inspector has granted planning permission for the proposals. This site is one which came forward as a result of the Council not being able to demonstrate a five-year housing land supply – so that the tilted balance in favour of outline planning permission being granted. Since that time, with the adoption of the Local Plan in 2018, the Council has been able to demonstrate a 5+ year supply of housing – restoring the primacy of the local plan to the decision making process. It goes without saying that meeting identified housing needs, in order to ensure the prime role of the local plan, remains a priority if the Council is to resist inappropriate development in the future.

Mr. Tim Andrews was invited to ask a supplementary question and he asked whether the Council had learnt anything from the process. Councillor Dr. Tumi Hawkins responded that the Council would continue to review applications when they were received.

**c) From Mr. Daniel Fulton**

Mr. Daniel Fulton made a statement about the primacy of the rule of law in the democratic process, and the lack of accountability within certain committees.

Councillor Bridget Smith thanked Mr. Fulton for his statement.

**d) From Mrs. Jennie Conroy**

In the case of NEC having been included in the emerging Local Plan how will the Council fulfil its obligations to respond to the consultation feedback at Reg 18, demonstrate the evolution of the plan in response to this and new evidence as it emerges given the DCO application this Autumn, to relocate to the Green Belt, will be founded on the case of a benefit of 8350 new homes, as specified in the draft NECAAP, and this outweighing the environmental costs of the relocation and site selection?

Examples of feedback and emerging evidence that could influence the emerging Local Plan include: lack of sustainability in the context of existing water supply, Natural England's assertion that without evidence of water supply in place the growth target will require extending beyond the plan period i.e. there will be a requirement of a reduction in housing growth targets to 2041; the environmental and economic costs to the public purse of a relocation of the future proofed water treatment works as a means to fulfil the scale of housing development proposed not to be fully known until the DCO submission ; alternative options to fulfil the long standing objective for mixed development including housing at NEC that does not require the relocation of the waste water treatment works, evidenced by the existing Local Plan and recent planning applications ; the existence of viable alternative site allocations for the 3,900 homes specified for NEC in the emerging plan period amongst identified development areas and or new sites emerging excluding Green Belt and surrounding villages; legacy housing in the emerging Local Plan, excluding North East Cambridge in excess of 15,000 for build out beyond 2041, negating the requirement of the balance of 4,450 homes at North East Cambridge either now or the distant future; the evolution of additional and alternative sustainable transport networks linking core housing and employment sites including NEC, such as Waterbeach Newtown, Cambourne and Cambridge East (the Airport development) in effect undermining the qualification for the scale, environmental and economic cost of NECAAP on the basis of it being the 'most sustainable large scale brownfield site'; updates on employment and housing growth requirements in January 2023 and resulting reviews of site allocations including cost benefit analysis.

**Response from Councillor Dr. Tumi Hawkins, Lead Cabinet Member for Planning:**

The North East Cambridge area including the water treatment works is allocated in the adopted Local Plan for employment led development. The NEC Area Action Plan, over the larger area of NEC, expresses the potential form and extent of the opportunity at North-East Cambridge and the required policy framework to achieve that ambition. The First Proposals consultation draft of the Joint Local Plan and its associated evidence base indicates that the NEC site is the most sustainable site for development in Greater Cambridge. Based upon the work to date, other development options advanced to deliver the economic and housing growth required to meet the identified needs do not perform as well against the ambitions and vision set out for the plan, as the NEC site.

The Council has recognised, in the timetable for the local plan and AAP, the need to secure clarity on the DCO proposals. Both the AAP and the Spatial Strategy in the Joint Local Plan recognise the contribution that the site can make towards achieving sustainable growth of the Greater Cambridge area over the plan period to 2040+. That potential contribution will in due course be tested through the later stage of the plan once the DCO application has been considered and prior to the adoption of these development plan documents.

The report today is advising Cabinet that the comments received to the Greater Cambridge Local Plan First Proposals consultation have been published. The

next steps are for officers to consider the issues raised in the responses and bring reports to members in due course, to the timetable set out in the updated Local Development Scheme. Subsequent reports may recommend changes to the approaches set out in First Proposals or explain why no changes are recommended. Members will then consider those recommendations and make a decision on the preferred strategy for the plan. In terms of the consultation report that has been published alongside the comments, the section referred to simply provides a high-level overview of the range of issues raised. I can assure you we will be looking at the comments received very closely as part of that process. But we are not at that stage yet.

You ask how the Council will fulfil its obligations to respond to consultation feedback. The consultation statement will be updated at each stage of the plan making process to summarise the comments received and how they have been responded to and taken into account. They will also be considered in the Topic Papers that sit behind the Local Plan which draw together all of the relevant threads, including comments received. This will include consideration of critical infrastructure issues – such as the supply of water. Indeed the timing of evidence anticipated from the water industry is a key determinant of the timetable for the plan along with the timing of the outcome of the DCO for the relocation of the Cambridge Waste Water Treatment Plant given its significance to delivery of NEC.

As we have said in response to previous questions about the WWTP DCO, that is a separate process to the local plan, but the local plan sustainability appraisal will look at the impacts of our plan in combination with plans and projects being developed by others, including the DCO. We will be looking carefully at all the work again over the coming months alongside considering the issues raised in the consultation comments and new evidence on some key issues, including our needs for jobs and homes. The site-specific issues you raise about the NEC site will be part of that process.

Mrs. Jennie Conroy was invited to ask supplementary question and asked about the Council adjusting the number of planned homes if the DCO application was approved. Councillor Dr. Tumi Hawkins responded that the Council would update the number of planned homes when required.

#### **e) From Mrs. Hilary Stroud**

Mrs. Hilary Stroud made a statement about the Northstowe developments, and the impact on the decreasing water levels within the local ponds and rivers, since 2015. She also posed a number of questions.

Councillor Bridget Smith thanked Mrs. Hilary Stroud for her statement, and requested she send her questions to Councillor Bill Handley, Lead Cabinet Member for Communities, so this could be reviewed with the Environment Agency.

## **6. Issues arising from the Scrutiny and Overview Committee**

Cabinet noted the Scrutiny and Overview report summarising the meeting held on Thursday, 23 June 2022, relating to the following agenda items:

- Greater Cambridge Local Development Scheme and Greater Cambridge Local Plan First Proposals Representations
- Delivery at Northstowe

Councillor John Batchelor, Lead Cabinet Member for Housing, clarified a comment within the report relating to Delivery at Northstowe, the Council intends to purchase 60 affordable homes, instead of 80.

## **7. Lynton Way, Sawston - Recreation Ground**

Cabinet received the lease agreement for the recreation ground on Lynton Way, Sawston. Councillor Bill Handley, Lead Cabinet Member for the Community introduced the report, commenting on the plans from Sawston Parish Council, and the process as part of the Asset Transfer Policy.

Councillor Brian Milnes, Lead Cabinet Member for the Environment, was supportive of the project, and noted, as one of the local Members for Sawston, the improvement in local community facilities.

Councillor Dr. Tumi Hawkins, Lead Cabinet Member for Planning, mentioned the support from the local community.

After a short discussion, Cabinet:

**Agreed** to implement a new 99-year lease with Sawston Parish Council relating to land owned by South Cambridgeshire District Council (SCDC) at Lynton Way, Sawston.

## **8. Orwell Beacon - Asset Transfer**

Cabinet received the transfer of ownership for the Orwell Beacon. Councillor John Williams, Lead Cabinet Member for Resources introduced the report, and commented that Orwell Parish Council would take ownership of this land.

After a short discussion, Cabinet:

**Agreed** to the transfer of ownership of the Orwell Beacon ('the Beacon', also known as the Orwell Millennium Beacon) from South Cambridgeshire District Council (SCDC) to Orwell Parish Council.

## **9. Biodiversity Net Gain**

Cabinet received the Biodiversity Net Gain proposal. Councillor Dr. Tumi Hawkins, Lead Cabinet Member for Planning, introduced the report, and commented on the interim approach.

Councillor Anna Bradnam thanked Officers for bringing the policy to Cabinet, and

was pleased with the use of maps within the report but asked about the land between Landbeach and Waterbeach. The Natural Environment Team Leader said that these were indicative maps, based on the current evidence from the published Local Plan. Councillor Anna Bradnam responded on the increase in visitors to Milton Country Park during the Covid-19 Pandemic. The Joint Director of the Shared Planning Service highlighted the difference between the country park and the biodiversity net gain land highlighted within the report.

Councillor Brian Milnes, Lead Cabinet Member for the Environment, commented on the interim report coming to the Climate and Environment Advisory Committee and Cabinet and allowing Members to review the interim approach.

Councillor Judith Rippeth, the Deputy Leader, appreciated the scope of the report, ensuring the Council was forward planning ahead of future developments.

Councillor Bridget Smith, Leader of the Council, commented on the emerging Nature Recovery Strategy. The Natural Environment Team Leader clarified this interim strategy was a toolkit for Officers to achieve Biodiversity Net Gain across all developments.

Councillor Bridget Smith, closed the item, thanked Officers for their work, and Cabinet:

**Endorsed** the Biodiversity Net Gain proposal as an interim approach of guiding principles for siting biodiversity net gain for developments within South Cambridgeshire, with delegated powers given to the Joint Planning Director of Planning and Economic Development to make minor changes to the technical note.

#### **10. Greater Cambridge Local Development Scheme and Greater Cambridge Local Plan First Proposals Representations**

Cabinet received the Greater Cambridge Local Development Scheme and Greater Cambridge Local Plan First Proposals Representations. Councillor Dr. Tumi Hawkins, Lead Cabinet Member for Planning introduced the report, and remarked on the current progress of the plan. The Lead Cabinet Member also thanked the Scrutiny and Overview Committee for their work in developing the current draft of the Local Plan.

Councillor John Batchelor, Lead Cabinet Member for Housing, commented on the new sites put forward through the consultation.

Councillor Bridget Smith, Leader of the Council, remarked on the status of the originally proposed sites that were not part of the draft local plan, noting that they did not have any planning status, and asked if these new sites would be required to go through the full consultation process if they were to be included. The Planning Policy Manager responded that new sites would be subject to the full testing process, and any changes to the plan would be subject to consultation as the plan moved forward.



Councillor Bridget Smith closed the item, thanked Officers for the clarity of the report, and Cabinet:

- a) **Noted** the representations made to the Greater Cambridge Local Plan First Proposals (Preferred Options) consultation and the report on the consultation at Appendix A.
- b) **Agreed** to adopt the updated Local Development Scheme for Greater Cambridge included at Appendix B of the report, to take effect from Monday 1 August 2022.
- c) **Agreed** to grant delegated authority to the Joint Director of Planning and Economic Development, in consultation with the South Cambridgeshire District Council Lead Cabinet member for Planning and the Cambridge City Council Executive Councillor for Planning and Infrastructure (in consultation with chair and spokes), to make any minor editing changes and corrections identified to the updated Local Development Scheme for Greater Cambridge included at Appendix A of the report prior to publication.

#### **11. Cambridgeshire and Peterborough Local Transport and Connectivity Plan: Draft Plan Consultation Response**

Cabinet received the Cambridgeshire and Peterborough Local Transport and Connectivity Plan: Draft Plan Consultation Response. Councillor Bridget Smith, Leader of the Council, introduced the report.

Councillor Brian Milnes, Lead Cabinet Member for the Environment, commented on the consultation response between the local authorities, and referred to the need to enhance the response to seek amendments to references to the East West Rail link to Newmarket, and to electricity grid enhancements required to support the decarbonisation of both private and public transport across the area. The Principal Policy Planner Officer commented that the report had been approved by Cambridge City Council, and the additions from the Cabinet would be part of an out-of-cycle decision.

Councillor John Williams, Lead Cabinet Member Resources, referred to the intended integrated travel network within the district, and the necessity for increased capacity within the National Grid to power the projects currently planned.

Councillor Anna Bradnam commented on the Cambridgeshire County Council's use of 'trip budgets' and asked whether this had been reviewed within the consultation response. The Joint Director of Planning and Economic Development responded that trip budgets were already used by Cambridgeshire County Council and suggested that no amendments were required to be added to the report.

Councillor Anna Bradnam asked if the 'trip budget' approach would be incorporated into other developments. The Joint Director of Planning and Economic Development noted that this would be kept under review.

Councillor Bridget Smith closed the item, and Cabinet:

- a) **Agreed** the proposed response to the draft Local Transport & Connectivity Plan consultation as set out in appendix 1.
- b) **Agreed** to grant delegated authority to the Lead Cabinet Member for Economic Development to consider and agree any material changes to the response to the draft Local Transport & Connectivity Plan consultation proposed by Cabinet, in liaison with the Cambridge City Council Executive Councillor for Planning and Infrastructure, and in consultation with the Chair and Spokes of the Cambridge City Council Planning & Transport Scrutiny Committee.
- c) **Agreed** to grant delegated authority to the Joint Director of Planning and Economic Development, in liaison with the South Cambridgeshire Lead Cabinet member for Economic Development and the Cambridge City Council Executive Councillor for Planning and Infrastructure, to make any minor editing changes to the response to the draft Local Transport & Connectivity Plan consultation.

## 12. Neighbouring Local Plan Consultation Responses

Cabinet received the Neighbouring Local Plan Consultation Responses. Councillor Dr. Tumi Hawkins, Lead Cabinet Member for Planning introduced the report, and commented on the responses to consultations by East Cambridgeshire District Council, West Suffolk District Council and Bedford Borough Council.

Councillor John Williams, Lead Cabinet Member for Resources, recalled the current situation with Uttlesford District Council, and requested the Cabinet to note the issues.

Councillor Judith Rippeth, the Deputy Leader, thanked Officers for continuing to review the local authorities' local plans, and responding to any impacts for the Greater Cambridge Local Plan.

After a short discussion, Councillor Bridget Smith, Leader of the Council, closed the item and Cabinet:

- a) **Agreed** the proposed response to the West Suffolk Local Plan Preferred Options (Regulation 18) consultation as set out in Appendix A, and the proposed response to the Bedford Borough Local Plan 2040 Plan for Submission (Regulation 19) as set out in Appendix B
- b) **Agreed** that any material changes to the responses to the West Suffolk Local Plan Preferred Options (Regulation 18) and the Bedford Borough Local Plan 2040 Plan for Submission (Regulation 19) arising from consideration by Cabinet will be agreed via an out of cycle decision by the South Cambridgeshire Lead Cabinet Member for Planning in liaison with the Executive Councillor for Planning and Infrastructure, and in consultation with the Chair and Spokes of the Cambridge City Council Planning & Transport Scrutiny Committee.
- c) **Agreed** to grant delegated authority to the Joint Director of Planning and

Economic Development, in liaison with the South Cambridgeshire Lead Cabinet member for Planning and the Cambridge City Council Executive Councillor for Planning and Infrastructure, to make any minor editing changes to the responses to the West Suffolk Local Plan Preferred Options (Regulation 18) and the Bedford Borough Local Plan 2040 Plan for Submission (Regulation 19).

### 13. **Delivery at Northstowe**

Cabinet received the Delivery at Northstowe proposals. Councillor Bill Handley, Lead Cabinet Member for Communities, introduced the report, and thanked the Scrutiny & Overview Committee for their work. The Lead Cabinet Member also commented on the draft Northstowe Delivery Board document, and collaborative work with Northstowe Town Council.

After a short discussion, Councillor Bridget Smith, Leader of the Council, closed the item, thanked Officers for their work, and Cabinet:

#### **Recommended that Council:**

- a) Approve additional funding for the Phase 1 community buildings of:
  - i. £1.53m for the Sports Pavilion (including an allocation of £300k from the Renewable Energy Reserve)
  - ii. £6.5m for the Community Building funded from Capital Receipts.
- b) Approve an amendment to the Capital Programme to increase the allocation by £1.38m for the Phase 2 Civic Hub funded by the s106 to reflect the total allocation after indexation.
- c) Approve an additional £2.82 allocated to the Civic Hub programme funded from Capital Receipts.
- d) Note that the Phase 2 Sports Pavilion is likely to be underfunded, but that delivery is not expected until 18 months after the 500<sup>th</sup> occupation on Phase 2. Although an exact amount cannot be estimated at this time, it is proposed an additional allocation of £2m be made in the General Fund Capital Programme, funded from Capital Receipts, for this project.
- e) Create a further provision of £433,000 (£219,000 plus indexation) for the Phase 1 Section 106 shortfall.
- f) Create a provision for Phase 2 Section 106 commitments of £1.6m
- g) Request that officers undertake a further review of infrastructure prioritisation in the S106 agreement for phase 2 in light of this report and report the matter back to the Planning Committee for consideration.
- h) Agree to the Community Centre and Local Centre being built on Parcel 6 via a Direct Delivery or Development Manager model.
- i) Pause the wider Enterprise Zone development (on Parcels 1,2, 3 and 4) for an initial period of 12 months.
- j) Agree the approach to Parcel 5 taking into account the option agreement set out in the exempt section of this report

And Cabinet:

- k) **Agreed** to establish a Member Governance Board for Northstowe

**14. Exclusion of Press and Public**

Cabinet **agreed** by affirmation that the press and public be excluded from the meeting during consideration of item 15 in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972 (as amended) (exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act). Paragraph 3 refers to information relating to the financial or business affairs of any particular person (including the authority holding that information).

**15. Acquisition 18 no. Affordable Homes in Over**

Cabinet received the exempt report for the Acquisition of 18 Affordable Homes in Over. Councillor John Batchelor, Lead Cabinet Member for Housing, introduced the report.

Councillor Bill Handley, Lead Cabinet Member for Communities was pleased with the acquisition within his Ward.

Councillor John Williams, Lead Cabinet Member for Resources commented the acquisition offered value for money.

After a short discussion, Cabinet:

**Approved** the property acquisition as specified in paragraphs 7 and 8 of the exempt report.

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**The Meeting ended at  
11.37 a.m.**

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