



<b>Report to:</b>	Cabinet	05 July 2021
<b>Lead Cabinet Member:</b>	Cllr Dr Tumi Hawkins, Lead Cabinet Member for Planning Policy and Delivery	
<b>Lead Officer:</b>	Stephen Kelly Joint Director of Planning and Economic Development	

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## Officer Delegations for Infrastructure Projects

### 1. Executive Summary

1.1 The Greater Cambridge area is the focus of a number of significant new national and regional infrastructure projects. These include:

- Cambridge Water Treatment Works relocation
- A428 St Neots to Caxton Gibbet
- East -West Railway and stations
- Cambourne to Cambridge (C2C) public transport corridor
- Cambridge South East (CSET) public transport corridor
- Cambridge Eastern Access
- Waterbeach to Cambridge public transport corridor
- Cambridge South Station.

1.2 Whilst the Council is not responsible for consenting these works, it is a participant in the consent processes and will be asked for its formal views at specific stages of the process on *administrative and procedural matters* as well as commenting on *technical elements* and providing a view on the impacts/merits. Officers will also be expected to represent the Council at the examination stage – likely to be through a public inquiry.

1.3 The consent processes followed are distinct from those associated with conventional planning applications and such proposals are not explicitly covered within the Leader's allocation of functions and responsibilities. Accordingly matters which the Leader has not specifically reserved for exercise by another decision taker are delegated to Chief Officers and Heads of Service as operational management.

1.4 The Council's decisions in respect of such proposals therefore currently rest with the Joint Director of Planning and Economic Development

although they can of course refer upwards to a Lead Cabinet Member if they feel the decision contains any sensitive or controversial issues.

- 1.5 This report therefore seeks to confirm those matters/stages in the process where the Joint Director of Planning and Economic development will continue to utilise the executive delegated powers of operational management provided in the Constitution for specific elements of the statutory process.

### **Key Decision**

No

## **2. Recommendations**

- 2.1 It is recommended that Cabinet:

Note that the Joint Director of Planning and Economic Development has the authority for providing responses on behalf of South Cambridgeshire District Council relating to **specific stages** of the statutory process for infrastructure proposals being promoted through the Nationally Significant Infrastructure Projects scheme and Transport and Works Act processes as outlined in para 3.11 and 3.12 below.

- 2.2 Reasons for Recommendation

The Greater Cambridge area is the focus of a number of significant new national and regional infrastructure projects. These projects will have a range of impacts on the communities in South Cambridgeshire and as the Local Authority, it is important that the Council's views are duly represented within the statutory timeframes.

## **3. Details**

### **Development Consent Order – Nationally Significant Infrastructure Projects (NSIP)**

- 3.1 The NSIP process is administered by the Planning Inspectorate. The grant or consent of the development through the NSIP process can include both development permission and the Compulsory Acquisition Orders required to deliver the development. Consent under the process may also be subject to conditions – the discharge and enforcement of which rests with the Council.

- 3.2 The following projects are expected to follow the NSIP route:

- Cambridge Water Treatment Works relocation (to be submitted 2022)
- A428 St Neots to Caxton Gibbet (Submitted April 2021)

- E-W Rail (Submission due 2022)

### 3.3 The NSIP process comprises 6 stages:

1. Pre-application
2. Acceptance
3. Pre-examination
4. Examination
5. Recommendation and Decision
6. Post decision.

### 3.4 The host Local Authority for the area of the development automatically enjoys 'interested party' status in the process. Likely areas where input from the Council will be required include:

#### **Pre-application**

- Comment on Applicants Environmental impact Assessment Scoping Opinions (28 Days)
- Comment on multiple phases of the "Statement of Community Consultation" (28 days)

#### **Acceptance Stage**

- Submit a statement on adequacy of applicant's consultation (14 days)

#### **Pre-examination**

- Register as interested party (for non-host authority)
- Submit relevant representations on proposals (min 30 days)
- Attend preliminary meeting(s) and agree with appointed inspector procedural issues and timetable (live meeting)

#### **Examination**

- Submit Local Impact Report comprising objective assessment of impacts of the scheme and evidence on the characteristics of the area (timescale set by inspector).

- During examination submit written representations, respond to questions and comment on others submissions. (live meeting)
- Agree with the applicant statements of common ground (likely to also include agreement on conditions in the event of approval). (in examination)

3.5 No submissions on the proposals will be accepted after the close of the examination.

### **Post decision**

- Legal Challenge of SoS decision (Max 6 weeks)

### **Transport and Works Act 1992 (TWA)**

3.6 This process is used for the construction of new Railways or Tramway and related schemes

The following infrastructure projects – are either currently or are expected to be progressed via TWA route:

1. Cambourne to Cambridge (C2C) Public transport corridor project
2. Cambridge South East (CSET) public transport Corridor Project
3. Cambridge Eastern Access public transport corridor
4. Waterbeach to Cambridge – public transport corridor
5. Cambridge South Station

3.7 TWA Orders provide for consent and land acquisition, together with temporary alternative routes and the diversion of footpaths etc. The application is made to the relevant Secretary of State (SoS) by the project promoter. Permission is granted by the SoS and may include conditions. In case of GCP schemes, where orders are contested, it is anticipated that there will need to be a public inquiry to examine the proposals.

3.8 The Council will therefore be required to make submissions to either the SoS appointed Inspector or the applicants at the pre-application stage, submission stage and through the examination process. The Council will also be the body responsible for post decision discharge and enforcement of any planning conditions imposed upon the development.

3.9 Any Local Authority for the area in which the works are proposed is classed as a 'statutory objector' if it makes objections to the order. The Act provides for objectors to appear at the hearing/inquiry. If the SoS chooses

not to hold an inquiry, or hearing, there is scope for the matter to be dealt with by an exchange of representations.

3.10 Given the level of local interest, officers anticipate that each of the TWA proposals will be subject to a public inquiry. For a public inquiry the procedures provide for submissions on the following matters:

- Submission of Statement of case (within 6 weeks of date being published)
- Comment on the other parties' statements of case (up to 6 weeks before Inquiry opens)
- Comment on behalf of the Local Authority to the pre-inquiry hearing (at meeting)
- Submission of Proof of Evidence (Timetable tbc)
- Appearance at Public Inquiry (evidence and comment)
- Statement of Common Ground (At Inquiry)
- Comment upon planning conditions (At the inquiry and pre-submission)

**3.11 Matters which officers consider will fall to be determined by Cabinet:**

**NSIP process:**

- Approval of Statement on adequacy of consultation process
- Approval of Local Impact Statement
- Decision to mount a legal challenge of decision (if required)

**Transport Works Act**

- Approval of Statement of Case

**3.12 Matters which officers consider will continue to be determined by Officers:**

**For the NSIP process**

- Registration of the Council as 'interested party.'
- Responding to any consultation on EIA screening/scoping on behalf of South Cambridgeshire District Council

- Attendance at pre-examination preliminary meeting and agreement of procedures and timetable for examination on behalf of South Cambridgeshire District Council
- Instruction of witnesses and legal advisors and approval of all representations and agreements (e.g., Statement of Common Ground, conditions etc) through the Examination Process on behalf of South Cambridgeshire District Council

### **TWA process**

- Agreement of response to EIA consultation on behalf of South Cambridgeshire District Council
- Agreement at pre-examination process of procedures for examination, timetable etc on behalf of South Cambridgeshire District Council
- Instruction of Witnesses and legal advisor and approval of all submissions including proofs of evidence, statement of common ground on behalf of South Cambridgeshire District Council.
- Agreement on conditions and scope of post decision submissions/controls subject to LPA control on behalf of South Cambridgeshire District Council

## **4. Options**

4.1 Given the likely public scrutiny that the Council's arrangements will come under, as the projects progress, it is considered appropriate to set out clearly how the Council's constitution envisages that these matters will be addressed, to avoid any subsequent confusion or challenge at latter stages of the process, when the timescales for a response, and importance of meeting those timescales become critical to the Councils effective representation. There are considered to be no other options, other than not to seek to clarify these arrangements.

## **5. Implications**

In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered:-

**A. Financial**

n/a

**B. Staffing**

Ensuring that the operational provisions set out in the Constitution can be discharged effectively will help minimise pressure on the existing Council resources and ensure efficient and effective participation in the statutory process by the Council.

**C. Equality and Diversity**

No EQIA has been undertaken – the decision sought focuses only on the process to comment upon specific elements of the process. It does not currently relate to a decision for or against any infrastructure proposal – upon which the Council expects equalities implications will have been assessed by the promoter. The proposal is accordingly not considered to give rise to any equality impacts.

**D. Climate Change**

n/a

**E. Consultation responses**

Officers have sought to highlight the need for prompt and efficient input into the statutory processes, alongside the desire to ensure that decisions relating to the Council's formal view on the infrastructure proposals are clear and unequivocal and confirm those decisions to be taken by the Cabinet through the normal process – and with appropriate scrutiny.

**6. Background Papers**

None

**Report Author:**

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