

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development Control and Conservation Committee

5th April 2006

AUTHOR: Development Control Quality Manager

Cambridgeshire Guided Busway - Discharge Of Conditions

Purpose

1. To agree the consultation and decision-making process for the discharge of conditions imposed on the planning permission.

Effect on Corporate Objectives

2. Quality, Accessible Services	To improve access to public transport and to employment, retail, community, leisure and education
Village Life	To minimise the visual and environmental impact upon villages
Sustainability	To provide a high quality public transport link
Partnership	To work with Parish Councils and other organisations to ensure that the details of the development are acceptable

Background

3. On 21st December 2005, the Secretary of State for Transport directed that planning permission be deemed to be granted for the development included in the Cambridgeshire Guided Busway Order. The permission is subject to ten conditions (see attached annex 1).

Considerations

4. The Secretary of State did not consider that details of the scheme for approval should be dealt with by the Cambridgeshire County Council. He saw no good reason in this case to depart from the normal, well-established practice of requiring details to be approved by the local (district) planning authorities. This would help ensure that there is effective input at the local level into consideration and approval of the details of the scheme, in accordance with normal planning authority responsibilities.
 - 4.1 A number of conditions require submission and approval of details before any work commences. Other conditions require details to be submitted and approved before work starts on particular matters.
 - 4.2 The County Council aims to appoint a Preferred Bidder in April to start the design work. It intends to submit applications to discharge conditions in July or August 2006 for approval by November 2006 so that a start on site clearance can commence before the bird-nesting season (see annex 2 for County Council's proposed programme.)

Options

5. The discharge of planning conditions is normally delegated to the Director of Development Services, having regard to comments made by statutory consultees,

organisations or officers with particular responsibility or expertise in the matter which is the subject of a condition.

- 5.1 This process should continue, but, given the level of public interest in the scheme, I consider that matters relating to design and external appearance, landscaping, lighting, drainage, ecology and code of construction should also be the subject of consultation with Parish Councils along the route (Fen Drayton, Swavesey, Over, Longstanton, Rampton, Oakington, Histon, Impington and Milton) and individual residents adjoining sites which are the subject of details submitted pursuant to Condition 3 (Design and Landscaping.)
- 5.2 To assist in this process and to ensure a consistent approach, the County Council suggests that a joint officer advisory group should be established. This would comprise of development control and specialist officers from the district authorities and the County Council. It would help to inform discussions prior to submission. The County also intends to consult statutory authorities and interest groups before schemes are submitted.
- 5.3 The decision-making process should continue to be delegated to the Director of Development Services unless a written objection is received and it cannot be resolved by negotiation. In that case the decision will be referred to this Committee. Any District Councillor may also request that any submission be referred to this Committee for decision. In either case the reason for referral should be based on a material planning consideration relevant to the submission and not one concerned with the principle of the Guided Busway.

Financial Implications

6. None other than that involved in carrying out the consultation process.

Legal Implications

7. It is important that the process of consultation and decision-making is agreed to minimise the risk of a legal challenge.

Staffing Implications

8. Officers of the Council will be engaged in assessing the merits of the submissions.

Risk Management Implications

9. The Council should be clear in the procedures to be adopted in order to avoid any delay in the implementation of this public transport project.

Consultations

10. Development Control Officers from Huntingdonshire, South Cambridgeshire, Cambridge City and Cambridgeshire County Council have discussed the process with the Guided Busway Team at the County Council (see Para 5.2 above).
- 10.1 In addition it has been suggested by officers of these authorities that a Monitoring and Liaison Group be established once work commences. This would comprise of County, District and Parish Members, Officers and, as and when required, various specialists, to monitor construction and implementation in accordance with approved schemes, to record complaints and action taken, to discuss any matters of concern to

Parish Councils and/or residents during the construction/implementation stage and to feedback information to local communities.

Conclusions/Summary

11. The District Council will be responsible for the discharge of conditions. It is important that it has the benefit of local Parish and, in some cases, residents' comments, as well as those of relevant statutory authorities and specialist groups and officers.
- 11.1 The approval of details required by the conditions should be managed in an efficient way having regard to the nature of representations.

Recommendation

12. It is recommended that the consultation arrangements specified in Para 5.1 of this report be agreed and that the discharge of conditions be delegated to the Director of Development Services unless the circumstances specified in Para 5.3 of this report arise.

Background Papers: the following background papers were used in the preparation of this report: The Secretary of State's decision letter dated 8th December 2005 confirming, with modifications, the Cambridgeshire Guided Busway Order and the Secretary of State's letter dated 21st December 2005 granting planning permission.

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