

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Leader and Cabinet 8 February 2007  
**AUTHOR/S:** Executive Director / Head of Legal Services

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**JOINT PLANNING SERVICES ARRANGEMENT**

**Purpose**

1. This report sets out progress in securing agreement on proposals for a joint approach to major development in the Cambridge area between South Cambridgeshire District Council, Cambridge City Council, Cambridgeshire County Council, and Cambridgeshire Horizons. It recommends that Cabinet endorses the approach and asks Council to approve the joint arrangements based on the proposals submitted by Cambridgeshire Horizons on behalf of the three local authorities to the Department of Communities and Local Government in December 2006, subject to the agreement of detailed operational arrangements

**Background**

2. Several significant growth areas have been identified around the fringes of Cambridge City on sites, which overlap the boundaries of the City and District Councils. In ensuring consistent and comprehensive development around the Cambridge fringe and at Northstowe it will be crucial for the relevant local authorities to work together, both in terms of the district and city council's functions as Local Planning Authorities and the County Council as Education and Highway Authority.
3. Initial meetings with the Government Minister and representatives from the affected Councils and Cambridgeshire Horizons confirmed the need for a joined-up approach to these major developments. Council, at its meeting on 23 November 2006, debated the matter fully, resolving:
  - (a) "That the contents of correspondence from the Department of Communities and Local Government (DCLG), set out at appendices A and B to the report, be noted and that it be noted that discussions with Cambridge City Council, Cambridgeshire County Council, and Cambridgeshire Horizons are ongoing and that any formal proposals arising from those discussions in relation to joint planning arrangements will be referred to the Council for decision.
  - (b) That authority be delegated to the Leader, Planning Portfolio Holder, Chairman and Vice-Chairman of Planning Committee, to continue discussions with the above partners, in consultation with the Leaders / Convenors / representative of opposition groups, all members of Cabinet and affected Local Ward members."
4. In accordance with this resolution further negotiations took place between the interested parties, culminating in the submission of detailed proposals to the Minister on 19 December 2006. Officers from the three local authorities and Cambridgeshire Horizons have continued work on updating those proposals. The Minister has responded favourably to these proposals, therefore it is appropriate to bring the matter to Members at this stage with a recommendation that the proposed joint arrangements be agreed by Council with a recommendation from Cabinet. The Minister's response is attached at **Appendix 4**.

## Considerations

5. The proposals aim to ensure that the Cambridge sub-region will have the structures, capacity and commitment to assure early delivery of the growth agenda to the highest standards of design and quality. At their heart is a commitment to adopt ways of joint working that involves leadership and management of resources in an integrated and focussed manner. In a practical sense, the aim of the proposals is to provide a developer/applicant with a clear picture of who has ownership of each and every part of an efficient and effective development process.
6. Key elements of the proposed joint arrangements are as follows:
  - (a) A **Joint Strategic Growth Implementation Committee** is to be established. This Committee is to be a Standing Committee of the Cambridgeshire Horizons Board and will be chaired by the Chairman of Cambridgeshire Horizons. Its role will be to take ownership of and drive forward the implementation of the major developments at Northstowe and the Cambridge Fringe sites. Each of the constituent local authorities i.e. Cambridge City, Cambridgeshire County, South Cambridgeshire District Councils shall nominate up to three councillors as their members of the Committee.
  - (b) The Joint Strategic Growth Implementation Committee will be supported by a **Senior Officer Board** chaired by the Chief Executive of Cambridgeshire Horizons. The Board will oversee the management of the joint working arrangements and put in place effective co-ordination processes, performance management systems and team development programmes. The Board will comprise of 2 senior officer representatives from each of the three local authorities and Cambridgeshire Horizons.
  - (c) Reporting to the Senior Officer Board will be two **Delivery Boards**, the Northstowe Delivery Board and the Fringe Sites Delivery Board. These Boards will replace the existing Project Boards and will exercise the day-to-day responsibility for driving forward the implementation of the developments. Each Board will be chaired by the Chief Executive of Cambridgeshire Horizons and will have the key agencies such as the Housing Corporation and the individual developers sitting on them in order to secure their ongoing engagement. The Boards will approve Delivery Plans that contain details of the programme, risk assessment and issues to be addressed and clear allocation of responsibility for tasks to be completed.
  - (d) For the exercise of statutory development control functions, the three local authorities ie Cambridgeshire County Council, Cambridge City Council and this Council will delegate powers to two joint development control committees to be established by the Secretary of State by statutory instrument pursuant to Section 29 of the Planning & Compulsory Purchase Act 2004. The constituent Councils will then use Section 101 of the Local Government Act 1972 to delegate their planning development control/highways functions to the new Committees, the **Northstowe Development Control Committee** and the **Fringe Sites Development Control Committee**. The Northstowe Development Control Committee of 10 members will operate on a joint basis between this Council (6 Members) and the County Council (4 Members)

The Fringe Sites Development Control Committee of 16 members will operate on a joint basis between all three Councils with the two Districts having 6 members each and the County 4.

(e) Terms of Reference/Operating Conventions for all the bodies proposed are attached in Appendices 1b – 1e, which reflect the work done by officers since the proposals were submitted in December. Inevitably some details remain to be agreed/drafted at this stage, however Cabinet is requested to recommend to Council that they approve the creation by statutory instrument of the relevant joint committees and the delegation of statutory planning functions to them.

Figure 1, attached as **Appendix 1a**, sets out the new structure to deal with the applications/developments at Northstowe and the Cambridge Fringe sites.

### Public Participation

7. It is proposed to allow public participation at the Joint Committee meetings based on a draft protocol attached as **Annex 3a to Appendix 1e**. It is further proposed to create Development Control Forums based on a model already operated by the city council, the main purpose of which is to enable petitioners and applicants to give their views on major developments in advance of them being formally determined and to provide the means by which consensus can be built between the parties. It is intended that the forums will operate in accordance with a draft protocol, which is attached as **Annex 3b to Appendix 1e**.

### Options

8. Members may support a continuation of the status quo through which each Council retains responsibility for its own area and functions. Whilst under these arrangements there would be statutory consultation as well as informal liaison between the authorities, there is some risk that this will be detrimental to the overriding aim of achieving consistent high-quality development and will not achieve the economies of scale possible from entering joint arrangements. Maintaining the status quo raises the possibility that the Government might impose a development corporation type model and relieve the Council of its development control functions in the growth areas.

### Implications

9.	Financial	<p>Representations made to the Minister emphasised that delivery of the scale of development proposed required a substantial increase in the level of funding made available to the sub-region through Cambridgeshire Horizons, the local delivery vehicle. Appendices 3 and 3a (attached) set out the need for additional revenue resources rising from the current year's (2006/07) revenue support of some £2.3M to £5M in 2009/10. In addition the parties sought the establishment of a 'rolling fund' of some £31M to enable essential infrastructure to be provided at the earliest possible opportunity.</p> <p>The growth agenda has significant resource implications for the Council, which have been considered separately as part of the Medium Term Financial Strategy. Details of the direct financial implications arising from the introduction of joint arrangements will be subject to further work by Officers; they will be dependent to a large extent on the outcome of further discussions with the Government.</p>
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Legal	Section 29 of the Planning & Compulsory Purchase Act 2004 enables the Secretary of State by Order to constitute a joint committee to be the local planning authority for the area. The new Committee, or vehicle, is a joint committee which acts as the local planning authority for a defined area and for the defined purpose. However, it is possible for the constituent authorities to provide, under Section 101 of the Local Government Act 1972, for other of their functions, for example, development control and highways to be discharged through the same Committee. This is what is proposed by this Report. Section 101 of the Local Government Act 1972 and Article 11 of the Constitution allow the Council to establish joint arrangements with one or more local authorities and/or their executives to discharge non-executive functions in any of the participating authorities. Such arrangements may involve the creation of a joint committee. For this, formal Council approval by each authority will be required.
Staffing	Appendices 2 and 2a describe proposed joint working arrangements. Detailed staffing arrangements will need to be developed as part of the ongoing work to deliver the joint structure
Risk Management	The key risk of losing planning powers is explained in paragraph 8 above. There is a risk of delays to the successful implementation of the joint arrangements should the authorities concerned be unable to agree on how they will work together. Problems of this nature are also likely to be detrimental to the overall quality of major development in the Cambridge fringe and at Northstowe.
Equal Opportunities	Having major development applications determined by a single entity will result in a clearer approach for interested parties. This, along with detailed arrangements for public participation, will ensure an inclusive approach and maximise the opportunity for everyone to have their say in shaping the proposals.

### **Effect on Annual Priorities and Corporate Objectives**

10.	Affordable Homes	There will be extensive provision for affordable housing within the major developments.
	Customer Service	As per the equal opportunities implications above
	Northstowe and other growth areas	This issue is fundamental to achieving the Council's objectives and meeting its priorities in respect of the Northstowe and Cambridge fringe growth areas.
	Quality, Accessible Services	The agreement of joint arrangements will enhance the ability of the public to participate in decision-making and will allow the authorities concerned to oversee development which provides comprehensive and high-quality service provision.
	Village Life	The effects of the development of village life will be considered as part of the detailed consideration of applications for major development. As above, however, it is considered that village life issues can be dealt with more satisfactorily by a single co-ordinated committee structure, with local views taken into account through the involvement of Local Members.
	Sustainability	As above, joint arrangements will help to ensure sustainable major development.

Partnership	The agreement of joint arrangements provides major opportunities for the three authorities to work effectively in partnership towards the common goal of acceptable and appropriate major development at Northstowe and around the Cambridge fringe.
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### Conclusions/Summary

11. It is recommended that the proposed joint arrangements, developed by this Council in conjunction with its local partners and endorsed by the Secretary of State, be endorsed by approved by the Council. It is considered that they constitute the best means of ensuring an integrated approach to the major development that the councils will be required to oversee, at the earliest stage possible, and have the merit of offering streamlined decision-making backed by integrated officer support whilst retaining the crucial element of local democratic accountability.

### Recommendation

12. Cabinet recommends that Council:
- (a) Approves the joint working arrangements set out in Appendices 1-3 including the creation of the Joint Strategic Growth Implementation Committee, Northstowe Development Control Committee and Fringe Sites Development Control Committee, subject to the agreement of detailed operational arrangements.
  - (b) Subject to the relevant statutory instrument being made, makes the following appointments to the joint committees:
    - (i) Joint Strategic Growth Implementation Committee – 3 Councillors, including the Planning and Economic Development Portfolio Holder
    - (ii) Northstowe Development Control Committee – 6 Councillors, in accordance with the rules of political balance.
    - (iii) Fringe Sites Development Control Committee – 6 Councillors, in accordance with the rules of political balance.
  - (c) Subject to the relevant statutory instrument being made, delegates the planning powers as listed in Annex 1 to Appendix 1e to the joint development control committees and amend the Constitution accordingly, subject to a detailed scheme of delegation to Officers being prepared for subsequent approval by Council.
  - (d) Authorises the Chief Executive to make any further minor or consequential amendments to the scheme as may be from time to time required.

**Background Papers:** the following background papers were used in the preparation of this report:

The Council's Constitution  
Detailed proposals submitted to the Minister in December 2006, set out as Appendices 1-3.

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## **LIST AND BRIEF DESCRIPTION OF APPENDICES TO THE REPORT**

*Appendices 1-1d and 2-3 are as included in the proposal submitted to the Minister on 19 December 2006.*

*Appendix 1e was included in the proposal submitted to the Minister but has since been amended following further discussions at Officer level. The amended version is included here.*

**Appendix 1** – Summary of new structure,

**Appendix 1a** – Diagram outlining the proposed arrangements.

**Appendix 1b** – Joint Strategic Growth Implementation Committee draft Terms of Reference

**Appendix 1c** – Joint Officer Board draft Terms of Reference

**Appendix 1d** – Project Board draft Terms of Reference

**Appendix 1e and Annexes 1-3** – Terms of Reference for the Joint Development Control Committees

**Appendices 2 and 2a** – Proposed Joint working arrangements

**Appendix 3** – Resources required

**Appendix 3a** – Pump-priming

**Appendix 4** – Minister's response to Cambridgeshire Horizons, January 2007.