

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Portfolio Holder

17 November 2015.

LEAD OFFICER: Director of Planning and New Communities.

Review of Cambridge Fringes Joint Development Control Committee Terms of Reference to determine City Deal infrastructure schemes

Purpose

1. To consider the proposal that the Terms of Reference of the Fringes Joint Development Control Committee are amended to include the determination of City Deal Infrastructure Schemes and accordingly make recommendation to Full Council.

Recommendations

2. To recommend that Full Council supports the proposed changes to the JDCC Terms of Reference, subject to the formal approval of Cambridgeshire County and Cambridge City Councils.

Reasons for Recommendations

3. To achieve an effective and streamlined planning decision making process for the City Deal infrastructure schemes, given that the proposals will cross administrative boundaries.

Background and Introduction:

4. In late 2014, as part of the setting up of the Greater Cambridge City Deal Executive Board and agreeing its Terms of Reference, Cambridgeshire County Council (CCC), Cambridge City Council and South Cambridgeshire District Council (SCDC) agreed to delegate exercise of their functions to the Board where these functions relate to achieving the City Deal objectives. This entails the three Councils making any necessary changes to their schemes of delegation across a number of functions, one of which relates to the planning process and the granting of planning consent.
5. City Deal infrastructure schemes that are not located within the highway will require planning consent in order to be delivered. Legal advice obtained indicates that, where possible, planning decisions should be made across relevant geographical areas, in this case the Cambridge City and the District of South Cambridgeshire.
6. It is considered that the most appropriate way to implement this principle is to modify the remit of the Cambridge Fringes Joint Development Committee (JDCC), which includes members from all three partner authorities, to include planning permission for City Deal infrastructure schemes. This will require changes to the existing Terms of Reference for the Committee. Consultation is therefore being carried out with the regulatory committees affected by the proposed changes as the first steps in this process.

7. In order to ensure the smooth functioning of the Greater Cambridge City Deal governance arrangements and particularly the delivery of the City Deal infrastructure investment programme to a very tight timescale, clarification of delegations from the City Council, CCC and SCDC to the City Deal Executive Board is required. This affects a number of functions, of which the planning process/ the granting of planning consent is one.
8. City Deal infrastructure schemes that have works that extend beyond the highway boundary or are not within the highway will require planning consent in order to be delivered. For this purpose a City Deal infrastructure scheme is defined as “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 the County Council under the auspices of the Greater Cambridge City Deal or allocated from the Greater Cambridge City Deal Executive Board by participating Authorities.”
9. Planning consent for transport schemes promoted by the County Council is considered by its own 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.
10. Accommodating the decision-making process on planning applications for City Deal infrastructure schemes within the remit of the Cambridge Fringes JDCC will ensure that the decisions are made jointly across the relevant geographical areas, namely Cambridge City Council and SCDC, reflecting local circumstances, ambitions and constraints. The Committee also includes Members from all three partner authorities. This would mean that the schemes would be considered strategically, subject to a single planning process rather than potentially up to three.
11. To achieve this, modifications to the existing JDCC Terms of Reference are required (these are indicated as changes in bold type to the existing document in Appendix 2). The Committee would retain its geographical remit, except in the case of City Deal infrastructure schemes when its geographical remit would extend to the whole of Cambridge City and SCDC.
12. The Fringes JDCC considered a report on the proposed changes on 18 September and the City Planning Committee was consulted on 7th October, both agreed to support the proposals in principle. South Cambridgeshire’s Planning Committee is now being consulted on the basis that some of the City Deal Infrastructure Schemes would otherwise fall within the remit of this Council’s Planning Committee where elements are located wholly or partly the District boundary. This process will then be followed by consultation with the County Council’s Constitution and Ethics Committee. Formal approval of the amended JDCC Terms of Reference would then take place through the three Councils. The current timetable for completion of the procedural process is set out below:
13. 22nd October – Cambridge City Full Council.
17 November –County Council Constitution and Ethics Committee
26 November –SCDC Full Council
15 December –County Full Council

Consultations

14. Consultation has been carried out with the Leaders, relevant portfolio holders, Planning Committee Chairs and chief officers within each of the three Councils, as well as the JDCC on 18 September and City Planning Committee on 7th October.
15. Further consultation is scheduled to take place with the County Council Constitution and Ethics Committee later this month as set out in Section 3 of this report.
16. Any further legal advice required will be sought as part of this ongoing process.
17. Each individual City Deal infrastructure scheme will be subject to the appropriate level of stakeholder and public consultation, both in the lead up to and as part of the planning process.

Options

18. Careful consideration has been given to the optimum way to have an effective planning process for the City Deal infrastructure schemes, as well as ensuring that the associated planning decisions are made across relevant geographical areas. From both a procedural and legal perspective, this approach is considered to present the best option. It provides a single planning process, using an existing established Committee that contains member representation from all three authorities.
19. The alternative option would be make decisions through individual planning committees within each of the three authorities but this would result in increased administration implications and potential delays through having to take decisions on individual City Deal infrastructure schemes through more than one Committee in many instances.

Conclusions

20. For the reasons set out in this report, it is recommended that the principle of modifying the JDCC Terms of Reference to accommodate City Deal infrastructure projects, be supported; subject to endorsement of the County Council's Constitution and Ethics Committee; and formal approvals through the three Councils in due course.
21. **Financial**
Under Annex 3 of the Standing Orders for the JDCC, any associated costs arising from decisions made by the Committee, including associated appeals, are borne jointly by the Councils with voting rights on the specific items that give rise to the costs. For City Deal Infrastructure projects it is proposed that all three Councils would have voting rights on all of these, so any costs arising from Committee decisions and associated appeals would be shared by all three authorities.
22. **Staffing**
There are no additional staffing implications arising from these proposed changes. The administration arrangements for the JDCC would continue as existing.
23. **Equality and Diversity**
An Equality Impact Assessment (EQIA) has not been carried out in respect of these proposed changes. However, where relevant and at the appropriate time, EQIAs would be carried out in respect of individual City Deal infrastructure schemes.

24. **Climate Change**

There are no direct environmental implications arising from the proposed changes to the Terms of Reference. However, there will be direct and indirect environmental implications arising from each City Deal infrastructure scheme that will be assessed individually and cumulatively as appropriate.

Background papers:

Report to Cambridge Fringes Joint Development Control Committee dated 18th September 2015.

Report to Cambridge City Planning Committee dated 7th October 2015.

Appendices

1. Officer briefing note dated September 2015 –Greater Cambridge City Deal – Executive Board Delegations
2. Proposed draft amended JDCC Terms of Reference (Bold changes)

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