

Appendix 1

GREATER CAMBRIDGE CITY DEAL

EXECUTIVE BOARD DELEGATIONS – BRIEFING NOTE

Why are we proposing to clarify delegations?

The Executive Board Terms of Reference, which were agreed by all three Councils in late 2014, includes the following wording in paragraph 4.3, which sets out the scope of the responsibilities delegated to the Greater Cambridge City Deal Executive Board:

“The three Councils agree to delegate exercise of their functions to the Executive Board to the extent necessary to enable the Board to pursue and achieve the objectives of the Greater Cambridge City Deal and to undertake any actions necessary, incidental or ancillary to achieving those objectives, and, accordingly, the three Councils shall make the necessary changes to their respective schemes of delegation. The Executive Board may further delegate to officers of the three Councils.”

In order to ensure the smooth functioning of the Greater Cambridge City Deal governance arrangements, and particularly the delivery of the infrastructure investment programme on a very tight timescale, it is considered necessary to clarify the delegations that have been made. It is envisaged that this clarification will avoid confusion around the scope and extent of the delegated authority.

Officers have considered the functions that are intended to be covered in this wording, and have made recommendations in each case for how clarification can best be provided. These functions are:

- Compulsory Purchase Orders (CPOs)
- Grant of Planning Consent
- Side Roads Orders (SROs)
- Traffic Regulation Orders (TROs)
- Transport and Works Act Orders (TWAOs)

Definition of ‘City Deal infrastructure schemes’

In order to delineate the boundaries of the City Deal Board delegated authority it is necessary to define what is considered to constitute a ‘City Deal infrastructure

scheme'. This definition will then be used to determine which body holds the responsibility for making the decision(s) concerned. The following is suggested to be the most appropriate definition to use:

“A City Deal infrastructure scheme is 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 funds received by the County Council under the auspices of the Greater Cambridge City Deal or allocated to the Greater Cambridge City Deal Executive Board by participating Authorities.”*

Compulsory Purchase Orders

A CPO is a legal instrument that allows certain bodies (including the partner Councils) to purchase land without the owner's consent. It can be enforced if it is considered necessary in order to deliver public benefit, and can be particularly pertinent for transport infrastructure schemes. It is normal practice to seek CPOs on a contingency basis in parallel with negotiations with landowners to avoid delays to projects. Some City Deal infrastructure schemes will require the use of CPO powers in order to deliver the wider benefits that are expected to be associated with those schemes.

For the purposes of the City Deal, it is the County Council's CPO powers that are most important. Outside of the City Deal arrangements, the County Council's CPO powers are vested in the Economy & Environment Committee, which takes responsibility for promoting and exercising CPOs. The final decision to grant a CPO rests with the Secretary of State.

The decision made by the County Council to delegate responsibilities to the Executive Board is considered to include the power to promote and exercise CPO powers for City Deal infrastructure schemes in Cambridge City and South Cambridgeshire. To ensure that there is clarity around the processes involved in delivering the City Deal infrastructure programme, it is recommended that the County Council's CPO powers are confirmed as being delegated to the Executive Board.

Planning consent

City Deal infrastructure schemes that are not within the highway will require planning consent in order to be delivered. Planning consent for transport schemes promoted by the County Council is considered by the County Council's 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.

Legal advice suggests that planning decisions should where possible be made across the relevant geography – in this case Cambridge City and South Cambridgeshire. By doing so, it is possible to ensure that planning decisions most accurately reflect local circumstances, ambitions and constraints. It is therefore recommended that the most appropriate way to implement this principle would be to modify the remit of the Cambridge Fringes Joint Development Control Committee, which includes Members from all three partner Councils, to include planning permission for City Deal infrastructure schemes. This would mean that these schemes can be subject to one single planning process, rather than potentially up to three. This would mean that this Committee retains its geographical coverage, except in the case of City Deal infrastructure schemes when its geographical coverage extends to the whole area of Cambridge City and South Cambridgeshire. Short of creating a new Committee, this is considered to be the most appropriate available option.

Side Roads Orders

An SRO is an instrument established under the Highways Act 1980 that allows a Highway Authority (in the local context this refers to the County Council) to alter roads or other highways affected by a major transport infrastructure scheme. This deals with roads that are not specifically along the alignment of the scheme, but are impacted by and/or impact upon the scheme. It is likely to be the case that SROs are required for several City Deal infrastructure schemes. As with CPOs, the County Council acts as the promoter for SROs but the decision to grant these rests with the Secretary of State.

Outside of the City Deal arrangements, the responsibility for promoting SROs rests with the County Council's Economy & Environment Committee. The delegation made to the Executive Board though means that this responsibility, where it relates to a City Deal infrastructure scheme, has been delegated to the Executive Board. It is recommended that this is explicitly confirmed by the County Council.

Traffic Regulation Orders

TROs, established under the Road Traffic Regulation Act 1984, are legal instruments relating to the use of highways. They are designed to regulate, restrict or prohibit the use of roads by vehicles or pedestrians (as appropriate). There is a statutory requirement to undertake a public consultation where a TRO is needed, with the

outcome of that consultation being considered by Members when the decision is made on whether or not to grant a TRO.

General speaking, any major transport infrastructure scheme that includes the public highway will require at least one TRO. This is expected to be the case for most, if not all, City Deal infrastructure schemes.

Outside of the City Deal arrangements, decisions relating to TROs are made by either the County Council's Highways & Community Infrastructure Committee or the Cambridge Joint Area Committee. These Committees decide upon objections to TROs following public consultations. The Cambridge Joint Area Committee considers these when they are referred by the relevant Member or officer under the County Council's Scheme of Delegation – otherwise the Highways & Community Infrastructure Committee is the decision maker.

The delegations made to the Executive Board are considered to include the power to make decisions regarding TROs when they relate to City Deal infrastructure schemes, including considering the outcomes of public consultations. However, to ensure that the processes around the delivery of the City Deal infrastructure programme are clear, it is recommended that the County Council confirms explicitly that this delegation has been made.

Transport and Works Act Orders

The Transport and Works Act 1992 established TWAOs as the default means of authorising the creation of a new railway, tramway or guided busway scheme, except for "nationally significant rail schemes in England". TWAOs can include within them TROs, CPOs and deemed planning consent. The County Council has the power to promote a TWAO, whilst the decision to grant a TWAO rests with the Secretary of State. As the prioritised City Deal infrastructure schemes are being developed at the moment, it is unclear if the final proposals for those schemes would require the granting of a TWAO.

The delegation made to the Executive Board is considered to include the responsibility for promoting TWAOs for City Deal infrastructure schemes. It is recommended that the County Council explicitly confirms that this delegation has been made.