

JOINT DEVELOPMENT CONTROL COMMITTEE (CAMBRIDGE FRINGE SITES)

REPORT OF: Head of Planning Services

TO: Fringe Sites Joint Development Control Committee 18/05/2016

WARDS/PARISHES: All

UPDATE ON REVIEW OF CAMBRIDGE FRINGES JOINT DEVELOPMENT CONTROL COMMITTEE TERMS OF REFERENCE TO ACCOMMODATE CITY DEAL INFRASTRUCTURE SCHEMES

1 INTRODUCTION

- 1.1 An initial consultation report on this was brought to the Joint Development Control Committee (JDCC) for consideration on 18/09/2015. (See Appendix 1 with attachments). This set out the background and rationale for the proposals to incorporate City Deal Infrastructure schemes that require planning consent, within the remit of the JDCC.
- 1.2 The 18/09/2015 report also explained that the initial consultation with the JDCC was the first in a series of a) consultations with City Council, South Cambridgeshire District Council (SCDC) and Cambridgeshire County Council (CCC) Planning Committees and b) approvals required via Full Council for each of the three local authorities.
- 1.3 This series of consultations and approvals has now been completed and the purpose of this report to the JDCC is to confirm the changes to the JDCC Terms of Reference that have been agreed through the Full Councils and to consider any other related matters arising from the various Committee consultations and Council approvals as set out in Section 3.
- 1.4 Subject to the above and given that a number of the Phase 1 City Deal infrastructure schemes are moving forward quickly, it is important that the updated Terms of Reference can be confirmed and any other related procedural issues resolved as soon as possible to

facilitate streamlined planning decision-making processes on City Deal Infrastructure Schemes.

2. RECOMMENDATIONS

- 2.1 To note the agreed final version of the amended Joint Development Control Committee Terms of Reference as attached in Appendix 2.
- 2.2 To consider amending the name of the Joint Development Control Committee to reflect the proposed changes to its remit (see Section 3 of the report).

3. BACKGROUND

- 3.1 The background and rationale for the proposed changes to the JDCC Terms of Reference to incorporate City Deal Infrastructure Schemes that require planning consent is set out in detail in the previous JDCC report dated 18/09/2015 (Appendix 1). This set out the various processes that needed to be completed before the proposed changes to the JDCC Terms of Reference could be finalised. These are summarised below, including specific issues raised through each Committee highlighted where applicable:

Summary of Process

- 3.2. 18 September JDCC –principle of changes supported.

Issues raised -Members requested that officers provide training and briefings for the Committee in terms of potential key issues arising from City Deal infrastructure schemes, given that these could be very different to the types of applications that the JDCC has been used to considering, in some cases.

Update–A programme of member development sessions and briefings is being planned. Any member development sessions will be incorporated into the normal JDCC member development programme. A draft updated version of the programme will be circulated to JDCC members shortly.

7 October City Planning Committee - principle of changes supported.

Issues raised -Members suggested that other elements of the Terms of Reference documentation that were now out of date should be updated.

Update–this was the original intention as highlighted in the 18/09/2015 JDCC report. However, Legal officers advised that this would require additional procedural steps to be incorporated within the process. To avoid delays in incorporating the City Deal

related changes, given the complexities of the existing process, these will therefore be progressed separately.

22 October 2015 –City Full Council –proposed changes approved.
No specific issues highlighted.

4 November –SCDC Planning Committee – principle of changes supported.
No specific issues highlighted.

19 November -County Council Constitution and Ethics Committee –
Referred onto Highways and Community Infrastructure Committee.

26 November 2015 –SCDC Full Council –proposed changes approved.

Issues raised-

a) the JDCC should discuss whether its name should change to one which more closely reflects its new Terms of Reference and so is also clearer for members of the public, at the earliest opportunity.

Update –this issue is highlighted for discussion by members as part of the consideration of this report on 18/05/2016 and see also paragraph 3.3. (Strategic Issues) below.

b) Discuss whether any member of the JDCC who are also members of the City Deal Executive Board or Joint Assembly should be able to or should not be able to vote on City Deal Infrastructure Schemes.

Update –see paragraph 3.3.(Strategic Issues) below.

c) To note the SCDC position that it will not agree to any further exclusions of its participation similar to that set out in clause 4.5 of the proposed amended Terms of Reference (ie where SCDC is not allowed to vote on Clay Farm and Bell School items).

Update –the proposed wording of the amended Terms of Reference as previously circulated and attached in Appendix 2 provides that all JDCC members will have voting rights on all City Deal Infrastructure schemes planning applications that are reported to the JDCC for determination, regardless of the location of the application site.

12 January 2016- County Council Highways and Community Infrastructure Committee –changes to City Deal delegations supported in principle.

19 January 2016- County Council Economy and Environment Committee- changes to City Deal delegations supported in principle.

22 March 2016 –County Full Council –proposed changes approved

Strategic Issues

3.3. Amendment to name of the Committee

This issue has been discussed informally with the Chair and Vice-Chair of the Committee. Officers consider that it would be appropriate to include a reference to “City Deal” within the name of the Committee for clarity. However, it should be noted that the number of City Deal Infrastructure Schemes likely to come to the Committee/through the planning process is still unclear at present as some of the road schemes, for example, could be considered through other legislative powers eg. Therefore members should be aware that the name of the Committee should still reflect that the majority of planning applications considered by the Committee will continue to be Fringe site related ones, rather than City Deal related ones. There will also be an issue to consider about the length of the Committee name eg “Cambridge Fringe and City Deal Joint Development Control Committee.”

3.4. Voting rights of City Deal Board and City Deal Assembly members

This follows on from the point raised by SCDC Full Council as set out in paragraph 3.2 above. Legal advice has been provided on this as follows: The question has been raised as to whether a councillor who is on the City Deal Board/Assembly could, if appointed to the JDCC, vote on planning applications for schemes promoted by the City Deal Board. There is no legal prohibition (or Code of Conduct reason) why they should not vote. However, there is a risk that public confidence in the planning process could be damaged through a perception of a lack of objectivity on the part of a member fulfilling both roles. It also increases the risk of a legal challenge, whether or not well-founded, to planning decisions. It would be open to the Councils to agree by non-binding convention that they will not appoint City Deal Board members to the JDCC.

3.5. This issue has therefore been highlighted with lead/portfolio holders and committee managers across the three local authorities for consideration as part of the process for nominating membership of the various regulatory committees post-elections.

4. **CONSULTATIONS**

4.1. Initial consultation was carried out with the Leaders, relevant portfolio holders, Planning Committee Chairs and chief officers within each of the three Councils.

4.2. The key issues that emerged from the various Committee consultations and Council approval processes are addressed in Section 3 above.

4.3. Legal advice has been provided at relevant stages of the process.

5. **OPTIONS**

5.1. Options were considered prior to the initial JDCC report dated 18/09/2015. There has been general agreement on the principles of the suggested approach and no alternative options have been put forward through the various Committee consultations and Full Council approval processes that have taken place since then.

6. **CONCLUSIONS**

6.1. The three local authority Full Councils have approved the proposed changes. Subject to outstanding issues highlighted in Section 3 being addressed considered, it is recommended that the Terms of Reference are updated as set out in Appendix 2.

7. **IMPLICATIONS**

(a) **Financial Implications**

As set out in the original JDCC report dated 18/09/2015.

(b) **Staffing Implications**

As set out in the original JDCC report dated 18/09/2015.

(c) **Equality and Poverty Implications**

As set out in the original JDCC report dated 18/09/2015.

(d) **Environmental Implications**

As set out in the original JDCC report dated 18/09/2015.

(e) **Procurement**

As set out in the original JDCC report dated 18/09/2015.

(g) **Community Safety**

As set out in the original JDCC report dated 18/09/2015.

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

None

LIST OF APPENDICES

Appendix 1 –JDCC report dated 18 /09/2015 and attachments

Appendix 2 –Proposed Changes to JDCC Terms of Reference –changes in bold

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