



Item 5

Making Space for People: Progress report

To:

Councillor Katie Thornburrow, Executive Councillor for Planning Policy and Open Spaces and Councillor Nicky Massey, Executive Councillor for Transport and Community Safety

Planning & Transport Scrutiny Committee [23/03/2021]

Report by:

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Wards affected:

Market, West Chesterton, Abbey, Petersfield, Romsey, Trumpington, Newnham, Castle, Arbury

Non-Key Decision

1. Executive Summary

- 1.1 The Making Space for People Vision and Principles document has been prepared to act as a co-ordination tool to align thinking on future street, public space and movement projects between Cambridge City Council, Cambridgeshire County Council, the Cambridgeshire and Peterborough Combined Authority and the Greater Cambridge Partnership.
- 1.2 At the January 2021 PTSC, officers committed to bring a Progress Report to the March committee if a full report was not possible at that point. This report provides a progress update on the Making Space for People project. The Executive Councillors are asked to note the Progress Report.

2. Recommendations

- 2.1 The Executive Councillors are recommended to:

1. Note the Progress report

3. Background

- 3.1 The Making Space for People: Vision and Principles document was brought to Planning and Transport Scrutiny Committee on 12 January 2021. The document was prepared as a stepping stone to preparing a Supplementary Planning Document (SPD) in due course. It was noted in the Vision and Principles document as well as the committee report that the document was not an SPD but a high level vision document, where the key objective at this stage is to help inform the development of transport schemes that is ongoing by partners as well as COVID City Centre recovery work led by the City Council. The report also stated that an SPD with more spatially specific elements would follow in due course once there is greater clarity around the road network hierarchy for the City Centre and the development of the Greater Cambridge Partnership (GCP) City Centre Access proposals.
- 3.2 Following public representations submitted ahead of and presented at committee, including by Cambridge Past, Present and Future (CPPF), Cambridge Market Traders Association and CamCycle, and views of the two Executive Councillors and committee members, a revised recommendation was agreed which did not make any decision on the Vision and Principles document and said to 'Ask officers to undertake further refinement of Making Space for People in light of comments raised at committee and by interested parties, to engage with relevant stakeholders as appropriate, and to bring a revised document to a future meeting'. Officers committed at the committee to bring a Progress Report to the March Planning and Transport Scrutiny Committee if a full report was not possible at that point.

4. Considerations

- 4.1 Since the January Planning and Transport Scrutiny Committee, officers have considered the comments raised by the committee including identifying additional work which should be prepared to inform the document as well as further engagement with CPPF to address issues related to the historic environment.

Officers met with Historic England and CPPF to further discuss the historic environment points raised by CPPF at the committee both relating to the Making Space for People document and the new Greater Cambridge Local Plan. This included a positive discussion around how to further emphasise the continued importance of the historic environment within Central Cambridge for the Making Space for People project as well as relevant evidence base studies and possible approaches to preparing an Historic Environment Strategy to inform the Greater Cambridge Local Plan. It is anticipated that this engagement will continue as both the Making Space for People project and Greater Cambridge Local Plan are developed further.

- 4.2 The Council has also received correspondence from Fews Lane Consortium Ltd (FLC) challenging the legal status of the Making Space for People: Vision and Principles document which was to be considered by the committee in January. FLC indicated that if the document were to be adopted by the committee then they would consider it to be unlawful and raised the possibility of future legal action, by way of an application for judicial review, to challenge this decision. The letter argues that the document presented at committee should be prepared as a Supplementary Planning Document (SPD) expressing the view that the document meets the definition of a document that should be prepared as an SPD in the Town and Country Planning (Local Planning) (England) Regulations 2012. FLC also refers to the committee report which stated that the Vision and Principles document will be a material consideration in the determination of future planning applications and that this is the same status that would be afforded to a lawfully adopted SPD.
- 4.3 The 2012 Local Planning Regulations state that a document that sets out “any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land” in a Local Plan must be prepared and adopted as Supplementary Planning Document. The category of a planning policy document is ultimately a matter of law and the correct categorisation of local development documents under the 2012 Regulations has been considered in a number of legal cases, which note the complexity of this issue.

- 4.4 Officers have reviewed the FLC letter from a legal perspective and consider there is some risk that a decision to adopt that document as proposed could be subject to a successful legal challenge, such that it is no longer considered appropriate to progress the Making Space for People document in the form previously proposed at the January Planning and Transport Scrutiny Committee. As a result, a full SPD would need to be prepared to address the issues raised in the letter from FLC.
- 4.5 There are a number of steps required to progress the Vision and Principles document as an SPD, including the need to prepare a Strategic Environmental Appraisal Screening Assessment, undertake additional public consultation on a draft SPD to satisfy the requirements of the 2012 Regulations and the Council's adopted Statement of Community Involvement, register and consider the representations made and update the Consultation Statement, bring a report to Planning and Transport Scrutiny Committee and the Executive Councillors seeking adoption as an SPD, and prepare an Adoption Statement alongside the published adopted SPD.
- 4.6 As a result of the necessary additional steps outlined above, it is not now possible to progress the Making Space for People document alongside the other priorities for the planning service, notably, but not limited to, the new Greater Cambridge Local Plan and the North East Cambridge Area Action Plan, at least until the end of 2021 when they are anticipated to have reached their next milestones. There are already a number of significant planned consultations in 2021 – which have to be taken forward after the elections. These relate not only to infrastructure, including rail and road projects, but also the OxCam Spatial Framework and significant engagement progressing the joint Greater Cambridge Local Plan and North East Cambridge Area Action Plan. The Planning Policy, Strategy and Economy Team is already fully committed to these current workstreams and accordingly are, at this stage, unable to release staff resources towards additional phases of work on the transformation of the existing Vision and Principles document into an SPD. Officers are not therefore in a position to progress the Vision and Principles document at this time and the Council will not be seeking the existing document to be endorsed by key partners.

- 4.7 Therefore it is expected that work on the Making Space for People SPD will take place from the first quarter of 2022 and would at that point be scoped to decide whether to progress a revised version of the Vision and Principles document as an SPD initially with a fuller more specific SPD to follow later, or whether the work of other parties on transport issues has progressed sufficiently that it would be more appropriate to prepare a single fuller SPD. In the meantime, officers will continue to work with partners to ensure that schemes are developed in a sensitive and sympathetic way for the future benefit of the City Centre and those that live, work and visit it.
- 4.8 An alternative approach was considered and rejected which was to reframe the Making Space for People document as a corporate (non-planning) document and bring it to a different committee for endorsement. The question was whether this could potentially enable it to set out the Council's vision and principles for transport and public realm scheme development in the short term. This would require significant rewriting of the document to ensure it could not be construed as an SPD in order to minimise any legal doubts over the status of the document. There is also uncertainty as to whether the existing Vision and Principles document could be reframed as a City Council corporate document given it was initially set out as being part of the process of preparing the Making Space for People SPD. However, if it were possible to make the changes necessary, which is not certain, it would fundamentally change the scope and approach in the document such that it may well no longer meet the aims of its preparation in the first place. As such, this is not considered to be a reasonable option for a document badged as Making Space for People.

5. Implications

(a) Financial Implications

No additional costs beyond those previously anticipated as part of preparing an SPD as a next step, which include further costs related to additional public consultation and evidence documents to support the preparation of an SPD. At this point in time this is not within existing service budget.

(b) Staffing Implications

To progress the Making Space for People: Vision and Principles document as an SPD will require additional staff resources which have not been factored into the Planning Policy, Strategy and Economy or Built and Natural Environment programmes for 2021. Further work on the document, outlined above, would either require re-phasing of other work commitments (such as the joint Greater Cambridge Local Plan) or the deployment of resources away from other external activities and projects that the team is committed to.

(c) Equality and Poverty Implications

None

(d) Environmental Implications

None

(e) Procurement Implications

None

(f) Community Safety Implications

None

6. Consultation and communication considerations

Consultation on an SPD is required to be in accordance with the Council's adopted Statement of Community Involvement. The extent and scope of any consultation would also need to be carefully considered against available resources, unplanned budget implications as well as timing to avoid consultation overlap with other consultations being run by the Shared Planning Service, interrelated wider council or external partner consultations.

7. Background papers

- None

8. Appendices

- None

9. Inspection of papers

To inspect the background papers or if you have a query on the report please contact

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