

Planning Obligations Steering Group

Wednesday 29th November 2006

3.30pm-5.00pm

Present: Councillors Baker, Herbert, James, Slatter, Ward

Apologies: Councillor Durrant

Also present:

Cllr Reid Executive Councillor for Planning & Transport

Cllr Blencowe

Sharon Brown, Special Projects and Implementation Manager

John Summers, Head of Development Services

Joseph Whelan, Head of Service for New Communities, Cambridgeshire County Council

1. Public Speaking

There were no public speaking requests.

2. Minutes of Previous Meeting- Actions and any Matters Arising

Councillor Slatter raised an issue she had with the previous minutes in relation to the Planning Obligation Strategy Review and bus shelter funding. Councillor Slatter confirmed that her concern related to how potential bus shelter Section 106 funding would relate to overall Section 106 transport requirements including strategic requirements such as Guided Bus.

Sharon Brown mentioned that the date outlined at the previous meeting for the review of the POS SPD has now been put back as part of the LDS, and that it is now likely that a draft SPD will go to March 2007 Environment Scrutiny Committee and that the final document will go to July 2007 Environment Scrutiny Committee.

3. Transport Issues- Joseph Whelan, Cambridgeshire County Council

Joseph Whelan of Cambridgeshire County Council introduced himself to the group and explained that his role in the Planning Obligations process was to advise the Council on transport matters.

3.1 Current Section 106 Processes and Monitoring

Joseph Whelan went on to explain that the County Council get consulted on planning applications with transport implications. Colin Rickard is responsible for monitoring, collecting monies and dealing with developers on Section 106 agreement issues.

The Chair raised the issue that City Council members have found it difficult to extract progress reports and status reports on transport clauses of Section 106 agreements. Sharon Brown added that in the past two years she has received 2 annual reports on the ACTP projects, and that members would like quarterly updates. She had found it difficult

to get quarterly reports from Colin Rickard and information on site-specific transport clauses and requirements generally.

Councillor Reid commented that councillors found it difficult to distinguish between planning obligations and planning conditions.

Joseph Whelan explained that both planning obligations and planning conditions are designed to mitigate the impact of a development, and that each one has certain trigger points.

Councillor Slatter raised the example of Brooklands Avenue where there was some disagreement as to whether the City or County council took responsibility for monitoring the transport clause. She was concerned that if local residents hadn't asked about the site that the Section 106 agreement requirements would have just been forgotten about.

Joseph Whelan agreed with Councillor Slatter's points and stated that the developers caused an element of the delay and that work was being done to pursue them on transport issues. He agreed that it was wise to look at the relationship between the City and County Councils and that since the Highways Agency agreement ended more work needs to be done on clarifying where responsibilities lie.

Councillor James stated that if you are a Member who isn't particularly interested in planning then you have little access to information on Section 106 funded transport projects until they have been implemented.

Joseph Whelan explained that in terms of public consultation, schemes are consulted on according to how they are funded but perhaps Members feel that this isn't sufficient and that if schemes are just being implemented without Members' knowledge then this is a problem. He asked members what their thoughts were on how improvements could be made.

The Chair referred back to the incident Councillor James was referring to and stated that he found that when a planning application is granted, members are aware of it but that there is no detailed information as to what projects will be funded from the Section 106. He also queried that extent of the consultation process e.g. with bodies such as the Cycling Campaign when highways works are to be progressed.

Joseph Whelan stated that he understood the members' concerns and that he would take them back to officers.

Councillor James stated that he understood that the County Council did not consult with City members but that not consulting County members is a much more serious matter.

Councillor Herbert stated that the planning process is a complicated chain of events and that it would be helpful if members had better access to information. We've spoken on minimum procedure but there are problems within the whole system. How do we make sure that there is proper consultation involving both local communities and ward members?

Councillor Blencowe stated that his understanding is that the planning committee are not involved in the formal agreement of planning conditions.

Councillor Baker considered that there was a need to fill the gaps in processes and that once planning committee had made a decision, it is passed to officers to discharge conditions and that therefore, they have contact with developers. The County, as he understands, have to consult the public well after the planning process has ended. Councillor Reid agreed and stated that members are trying to track the decision making process. As she understood things, there was not the time or the resources to check if all planning conditions have been complied with. She found that there were two main issues, firstly how do we make sure things get done and secondly whose job is it to see that they get done.

John Summers stated that if there are requirements for highways works, they should all be set out in the report to planning committee. There are two ways to make sure the impact of a development is mitigated, through planning conditions or Section 106 agreements. There is a need to monitor these, normally we sign off conditions prior to a development taking place. DC officers are responsible for discharging conditions where details have to be submitted for approval. Sharon Brown continued, stating that in terms of systematic monitoring of all conditions, there aren't the resources available to provide a comprehensive service. She continued that only East Cambs have a dedicated monitoring officer and that condition monitoring is a resource issue for most local authorities. There is some difficulty in monitoring transport obligations, especially as they often have many complex trigger points that are quite unspecific. There is difficulty in acquiring information from the County council in relation to when Section 178 agreements have been completed, as these are often the first trigger.

John Summers stated that where developments are taking place without having discharged the conditions, it should be very exceptional. We should aim to put in processes where we will guarantee this can happen. We can't underestimate the resources needed to achieve this. This is an issue of how we make sure highways works have general support and that there is good communication.

Councillor Blencowe raised the question of what would happen in a situation where the need for a scheme is outlined and residents aren't in agreement. Who would have the final say?

Sharon Brown replied that where a development cannot happen without meeting the conditions/obligations on it there needs to be new information as to why the project couldn't happen for it not to happen. Joseph Whelan agreed and stated that if there was a condition that required a second consultation that things could become complicated.

The Chair continued, stating that it wasn't just small schemes in question, it was also bigger schemes like Newmarket Road where each set of traffic lights was put in by a separate Section 106 agreement and there was no consultation. Councillor Herbert agreed and stated that developments need to be joined up.

Councillor Herbert stated that members were interested in processes and that there was a need to join processes up. He asked if there were any issues from the County's side and stated that City Members don't know whether to continue to take an interest in expenditure of monies once they are at Shire Hall.

Action: Joseph Whelan to consult with County officers on improvements in monitoring/consultation processes

3.2 Section 106 funding- mitigation and commuted sums

Joseph Whelan explained that transport obligations can be either in kind or via a cash contribution. Officers are allowed to agree highways agreements that grant a license or works on a highway via delegated powers. However works secured via a cash contribution have to be reported to Area Joint Committee. Joseph Whelan also advised that Section 278 agreements are agreed under delegated powers.

Joseph Whelan stated that the County Council aren't required to undertake consultation on works that the developer is to carry out. However if a cash contribution is received from a Section 106 then there is a formal process that involves a committee.

3.4 Impact of the Guided Bus on transport projects

Joseph Whelan asked members if they had any concerns over the guided bus.

Councillor Slatter stated that she was concerned because of the implications of the cost of the Guided Bus on other strategic and non-strategic schemes and that the members' worry was that existing transport projects would not be implemented because of money being redirected to the Guided Bus.

Councillor Blencowe asked if Guided Bus contributions would be kept separate to other NCATP contributions.

Joseph Whelan stated that money cannot be transferred to the Guided Bus project from other projects in this way. The Guided Bus is included in the NACTP but it isn't in the main project list. The plan states that payments for the Guided Bus would be recognised separately. In terms of gap funding for the Guided Bus there is a gap of 23.5 million between the capital grant and the cost of the Guided Bus. 2 million has been collected from Arbury Park and Cambridge Southern Fringe developments will contribute as will Northstowe.

Joseph Whelan advised that necessary local transport improvements may be included as obligations as well as Guided Bus. In terms of Arbury Park, the Guided Bus contribution is separate. There are a number of other transport obligations as well.

3.3 Existing major projects/future major projects

Joseph Whelan went on to ask members if they had any questions about major projects in the city.

Councillor Slatter inquired about Hills Road Bridge.

Joseph Whelan replied that the scheme had gone to consultation and that the Cabinet report was due in spring 2007.

Councillor James inquired about the Girton Interchange.

Joseph Whelan stated that the Girton Interchange is part of the A14 improvement scheme and is due to be implemented in 2009.

3.5 Improving accountability, consultation and efficiency

Councillor Blencowe stated that between planning committee outlining a need for works and commencement of the works that there should be some consultation with the ward councillors.

Councillor Blencowe stated again that somewhere between planning committee and commencement of a project there needs to be some consultation. The Chair agreed and stated that the members can't understand why the source of money for a project determines whether it appears at Area Joint Committee.

Councillor Reid suggested that it would be wise to get one Trumpington member on the Environment Scrutiny Committee.

Councillor Blencowe stated that the members are keen on seeing more matters discussed at area committee.

3.6 ACTP review and ACTP lists

Councillor Blencowe asked that if a couple of years after the planning process happens, if it was decided that a scheme was needed, would the ACTPs cover it?

Joseph Whelan stated that they would in principle, subject to there being enough flexibility within the ACTP provisions.

Councillor Slatter raised the issue of how members could get schemes on to the ACTP lists. Joseph Whelan stated there would be an opportunity to get schemes on to the list at the next ACTP review and that they were unable to review the ACTPs while the local plan was being reviewed. There is now an opportunity to review the schemes.

Sharon Brown stated that South Cambs are party to two ACTPs and they have a timetable for taking things forward. Their timing for review is later than ours and having discussed how things can be taken forward legally and practically, an interim review was suggested, but this isn't practical. There are a number of transport studies that need to feed into the ACTP review and it was agreed to proceed with the POS review and the ACTP will come later as technical guidance rather than an SPD.

The Chair stated that the process could take a long time and meanwhile the ACTPs will be outdated wish lists with no opportunity to add or change anything.

Councillor Slatter asked what is on the list that is likely to be done, and more importantly what will be done without consultation. She continued by asking where ward councillors can access information as to what is on the lists.

Councillor Blencowe stated that in his view there was consultation on schemes but that this wasn't always with ward councillors, and that in theory they could be discussed at area committee.

Councillor Reid stated that she thought there were two issues, firstly are the right things getting done and is there any public consultation? It looks bad when councillors don't

know who to chase and at a time of such high growth there is a need for public consultation.

4. AOB

The Chair asked if the County Council had any issues with the City Council.

Joseph Whelan stated that he thought that the City and County councils will continue to work well together.

5. Date of Next Meeting

TBC- February 2007.

Ken Hay, head of Community Development will be the main guest speaker.