

**Executive Councillor Records of Decision and Environment Scrutiny
Committee Minutes of Environment Scrutiny Committee of the
16 March 2010**

9.30am to 11.25am

Present Councillors: Baker, Herbert, Kerr (as alternate) Kightley, Ward
(Chair) Wright and Zmura

Executive Councillors:

Executive Councillor for Environment and Waste Services: Cllr Pitt
Executive Councillor for Climate Change and Growth: Cllr Reid

Present Officers: Simon Payne - Director of Environment and Planning

David Roberts - Head of Policy & Projects
Glen Richardson - Head of Joint Urban Design Team
Joanna Gilbert - Wooldridge - Senior Planning Officer
Elizabeth Rolph - Principal Major Development Officer
John Preston - Historic Environment Manager
Clare Rankin - Cycling and Walking Development Officer
Guy Belcher – Nature Conservation Projects Officer
Toni Birkin – Committee Manager

FOR THE INFORMATION OF THE COUNCIL

10/ENV/18 Apologies

Apologies were received from Councillors Newbold and Upstone

10/ENV/19 Declarations of Interest

Councillor	Agenda Item	Interest
Kightley	6 & 7	Personal – Employed by NIAB
Reid	5	Personal – Member Cambridge Past, Present & Future
Wright	5	Personal – Member Cambridge Past, Present & Future
Ward	5	Personal- User of Marshall's Airport

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10/ENV/20 Minutes

The minutes of the meeting on the 12th January 2010 were approved.

10/ENV/21 Public Question

Carolin Göhler - Chief Executive, Cambridge Past, Present & Future

In the report entitled 'Adoption of the Planning Obligations Strategy Supplementary Planning Document' it is stated on page 10 that "all references to strategic open space have been deleted as a result of concerns raised about the evidence base". Almost 33 months have elapsed since Planning Inspectors ruled that there was no clear evidence base and analysis to underpin planning policies in relation to strategic open space.

What steps have been taken by the City Council since June 2007 to rectify the lack of a compelling evidence base such that it would be legitimate to include strategic open spaces, both new and improvements to existing amenities, within the scope of the Planning Obligations Strategy SPD?

What assurances can be given that work on the eligibility of developer contributions towards the development and improvement of strategic open spaces that serve the existing and future residents of Cambridge, as well as visitors to the City and its environs, will be addressed as a priority?

When the Supplementary Planning Document is considered if, as expected, consideration of the educational elements are deferred until a later date, could consideration of strategic open spaces also be deferred so as to give more time for the City Council to rectify the lack of a compelling evidence base?

If this was agreed, Cambridge Past, Present & Future would be keen to contribute towards the preparation of a compelling argument demonstrating the key importance of strategic open spaces to current and future residents of Cambridge, including residents of the new developments planned for the expansion of the city.

Cllr Reid responded that this item would merit full consideration when the agenda item was discussed. Cllr Reid felt that there were three key issues:

- The provision of an evidence base to support the delivery of new Strategic Open Spaces for areas outside the City is not the role of the Cambridge City Council alone. This work needs to be undertaken on a County basis.
- The provision of large open spaces for our own fringe developments has been magnificent. An additional 579 hectares of open space has been secured through our Local Plan and Area Action Plan documents and not through guidance on planning applications. This is not the role of the new SPD.
- It could be argued that new developments and expansions to the City are putting an additional strain on existing open spaces. Providers of such spaces could provide an evidence base to support a request for S106 funding to mitigate the impact, which we could then consider subject to the wording of existing agreements.

Ms Göhler welcomed Cllr Reid's suggestion and asked for guidance to be provided on what evidence would be defensible if challenged. She suggested that the 2nd edition of the Green Infrastructure Strategy would provide a stronger lever to developers. She asked if the City could sign up to this in order to serve the City and the wider region.

Cllr Reid suggested that officers would be able to give advice on an evidence base. She further stated that the City would like to sign up to the 2nd edition of the Green Infrastructure Strategy but were unable to do so in its current form.

10/ENV/22 Change to Agenda

Under paragraph 4.2.1 of the Council Procedure Rules, the Chair used his discretion to alter the order of business. However, for ease of the reader, these minutes will follow the order of the agenda.

10/ENV/23 Key Decision – Planning Obligations Strategy Supplementary Planning Document (*Agenda Item 5*)

Matter for Decision:

There is a need to set out the Council's approach to planning

obligations that complies with government guidance. The production of a Planning Obligation Strategy in the form of a Supplementary Planning Document (POS SPD) is identified within the Council's approved Local Development Scheme. A draft POS SPD and accompanying Sustainability Appraisal (SA) was approved for consultation by Environment Scrutiny Committee on 20 March 2007. The draft POS SPD was subject to public consultation from 16 April to 29 May 2007.

The report summarised the representations received to the consultation and the main changes to the POS SPD. Appendix 1 includes summaries of all representations received and the responses to those representations. Appendix 2 includes a track-changed version of the revised POS SPD for adoption.

Decision of Exec Cllr for Climate Change & Growth:

- 1 Agreed the responses to the representations received (excluding the education section) to the draft POS SPD and SA (Appendix 1) and the consequential amendments to the POS SPD (Appendix 2) and SA (Appendix 4);
- 2 Agreed to adopt the POS SPD with immediate effect;
- 3 Agreed that the Education section in the 2004 Planning Obligations Strategy continues to apply until it is replaced by a revised section which will form part of the 2010 POS SPD;
- 4 Agreed the Open Space Standards – Guidance for Interpretation and Implementation 2010 (Appendix 6), which has been updated in line with the requirements set out in the POS SPD.

Reason for the Decision:

There is a need to set out the Council's approach to planning obligations that complies with government guidance. The production of a Planning Obligation Strategy in the form of the POS SPD is identified within the Council's approved Local Development Scheme. Since the adoption of the previous version of the Strategy in 2004, Central government issued guidance on planning obligations in the form of Circular 05/2005 and other advice and the City Council adopted the Local Plan in 2006.

Any alternative options considered and rejected:

N/A

Scrutiny Considerations:

The Senior Planning Officer introduced the report. She corrected two errors in the report. In Appendix three the reference to space for children and teenagers should state that this does not apply to one bedroom units. Section 3.25 of the main report should give the adoption date as today (16th March 2010). She further stated that the education issues remain unresolved and will be brought to this committee at a later date.

Cllr Herbert questioned the statement on page 34 of the report that '*we have in effect already achieved the provision of Strategic Open Spaces*'. He was concerned that this relates to development as yet not built and suggested that the issue of open spaces should be deferred. The Head of Policy & Projects explained that, while these sites are not currently completed, detailed planning has taken place and there is no reason to believe that they will not be delivered. Cllr Baker questioned the use of the word significant (P34, Section 3.3, line 17). It was agreed that it should read '*will be of no practical importance*'. Cllr Herbert also queried if Strategic Open Space could be treated like education – so that officers will bring the issue back to committee for inclusion in the SPD.

Cllr Wright was concerned that some areas of open space, although close to the City, were not accessible by public transport. Cllr Reid stated that this factor is taken into account and that priority is given to local provision that can become a part of residents' everyday life. Some areas which will be open to the public in future are being used for other purposes at present. The Director of Environment and Planning confirmed that there is a commitment to achieving open spaces through existing planning policies. Transport links are an integral part of the process. Strategic policies are in place to offer users choices, such as walking or public transport, to access open spaces. The Head of Policy and Projects stated that taking a different approach to open space and education is justified. There is considerable credible evidence to support our inclusive approach to education provision. Similar evidence or precedents do not exist for open spaces and it is not a City Council function to provide them on a County-wide basis.

Cllr Herbert asked for a further report to Scrutiny Committee on this issue at a later date. He will produce a brief for the sort of report he would like to see and members will consider it at the next meeting. Cllr Reid reminded the committee of how much open space had been achieved using existing measures. The City has achieved commitments to open space provision at levels higher than the standard which has been withdrawn from the SPD.

Cllr Shah asked for clarification on PCT threshold requirements. The officer explained that these will be agreed on a case by case basis.

The Scrutiny Committee considered and endorsed the recommendations in the report by 6 votes to 0.

The Executive Councillor for Climate Change & Growth approved the recommendations.

Conflicts of interest declared by the Executive Councillor (and any dispensations granted):

N/A

**10/ENV/24 Key Decision – Review of Joint Development Control
Committee (Cambridge Fringes) Terms of Reference
(Agenda item 6)**

Matter for Decision:

The Joint Development Control Committee (JDCC) was set up in 2007. It has the power delegated from Cambridge City Council, South Cambridgeshire District Council and Cambridgeshire County Councils (the Councils) to exercise development control functions on major developments within Cambridge East, Cambridge Northern Fringe East, North West Cambridge and Cambridge Southern Fringe, as set out in the Terms of Reference.

A review of the boundaries is being undertaken following the adoption of South Cambridgeshire District Council's Site Specific Development Plan Document (DPD), which allocates additional land for housing and associated uses on NIAB 2 (or NIAB extra). Other minor amendments to the terms of reference are proposed for clarification.

South Cambridgeshire District Council and Cambridgeshire County Council will be considering similar reports at their respective Cabinet and Full Council

meetings in March and April. The terms of reference will come into effect when all three Councils have agreed them.

Decision of Exec Cllr for Climate Change & Growth:

- 1 Recommends that Full Council approve the amended Terms of Reference for the Joint Development Control Committee as included in Appendix A.
- 2 Agreed that the Terms of Reference for the Joint Development Control Committee are kept under review and any proposals for revision brought back to Environment Scrutiny Committee when appropriate.

Reason for the Decision:

As set out in the report.

Any alternative options considered and rejected:

N/A

Scrutiny Considerations:

The Principal Major Development Officer introduced the report.

The Scrutiny Committee considered and endorsed the recommendations in the report unanimously.

The Executive Councillor for Climate Change & Growth approved the recommendations.

Conflicts of interest declared by the Executive Councillor (and any dispensations granted):

N/A

10/ENV/25 Key Decision – Pro-Active Conservation (*Agenda Item 7*)

Matter for Decision:

The report reviews 2009-10 work on the Pro-active Conservation programme started in 2008-9, together with related unprogrammed projects. The Executive

Councillor was asked agreement on future strategy. Progress in 2009-10 has been constrained by external factors. Approval is sought to carry forward unspent funds from 2009-10 into the 2010-11 financial year.

Decision of Exec Cllr for Climate Change & Growth:

The Executive Councillor approved:

- 1 The carrying forward into 2010-11 of unallocated funding from 2009-10;
- 2 The completion of Appraisal coverage of designated Conservation Areas through Appraisals of the Castle area, Riverside, New Town and Glisson Road
- 3 The bringing forward of a detailed programme for 2010-11 to the Committee for approval in July 2010.

Reason for the Decision:

Funding of £30,000 per year for pro-active conservation work has been agreed for each of the financial years 2008-9, 2009-10, and 2010-11.

It was noted (report to Environment Scrutiny Committee, 8 April 2008) that: "4.2.....In using the new resources to develop proactive conservation a variety of matters might be targeted: a. Review existing Conservation Area boundaries. b. Designation of new Conservation Areas. c. Prepare Conservation Area Management Plans. d. Rapid appraisal of sensitive areas subject to change. e. Buildings of Local Interest. f. Protection of buildings at risk. g. Building Conservation Plans", and also that " 6.2 The budget figures for each subject area are initial estimates and there may be a need for some reallocation between them as they are refined.

Any alternative options considered and rejected:

N/A

Scrutiny Considerations:

The Historic Environment Manager introduced the report and members praised the detailed work that has been undertaken.

The officer highlighted a lack of maintenance funding for the Holy Trinity War Memorial and asked members if they had any contacts who might be willing to

contribute. Members felt it would be a great shame if the work completed to-date was lost due to a lack of a contingency fund to deal with vandalism and graffiti. Other funding options will be investigated.

Members questioned the carry forward requested and the officer explained how the three-year funding programme was being spent. Future priorities were discussed and members highlighted area where they would like to see appraisals completed. Cllr Reid suggested that members contact the officer or the Chair to suggest areas they would like included. She suggested that this could include unconventional areas such as artisan building as suggested by Cllr Wright.

The officer stated that he would welcome suggestions. Previously projects had been suggested by the general public and this had resulted in a patchy approach. There is a need for an overview of the City

The Scrutiny Committee considered and endorsed the recommendations in the report unanimously.

The Executive Councillor for Climate Change & Growth approved the recommendations.

Conflicts of interest declared by the Executive Councillor (and any dispensations granted):
N/A

10/ENV/26 Non Key Decision – Madingley Road Cycleway Scheme
(Agenda Item 8)

Matter for Decision:

The Madingley Road project is part of the Cycle Cambridge programme and aims to improve the existing poor provision for cyclists along Madingley Road. This corridor has been identified as a priority for funding from the Joint Funded Capital Cycleways budget and so it is proposed that up to £150,000 from the 2009/10 budget is put towards this project in addition to the £400,000 from the Western Area Corridor Transport Plan.

Decision of Exec Cllr for Climate Change & Growth:

The Executive Councillor noted the details of the Madingley Road project as set out in this report at paragraph 3.3, and to agreed the principle of a contribution of £150,000 towards the project subject to detailed costings and subject to the County Council's agreement to operate the City Council's tree protocol in regard to this scheme.

Reason for the Decision:

Madingley Road is an important radial route for cyclists and was identified as one of the radial routes which should be improved at the November 2002 Cambridge Environment and Transport Area Joint Committee as part of the Joint-funded Cycleways programme. This project could not subsequently be progressed due to issues with potential bus priority schemes on Madingley Road and implications arising from the Transport Innovation Fund proposals for the north western quadrant of the City. Cambridgeshire County Council have now decided that a bus priority scheme will not be pursued further east along Madingley Road and that the proposed cycle improvement scheme should not affect any future works undertaken as part of the Transport Innovation Fund.

Any alternative options considered and rejected:

As per report.

Scrutiny Considerations:

The Cycling and Walking Development Officer introduced the report and reminded members that the decision to be made at this stage is to agree the City Council's share of the funding. More detailed reports on the project will come to committee at a later date.

Members questioned the funding. The current funding arrangements come to an end next year and a new agreement has not yet been agreed. However, a draft list of future projects is available. The Chair asked if all members of the committee and the Cycle Steering Group could be sent a copy of this list.

Members had concerns about the trees near Churchill College. Further consultation will take place before a decision is made on the trees. If they remain in place the cycle path will be very narrow at this point.

Cllr Reid suggested that the decision should confirm that the tree protocol will apply as she would not be willing to commit funding unless this was agreed. Members supported this suggestion.

The Scrutiny Committee considered and endorsed the amended recommendations unanimously.

The Executive Councillor for Climate Change & Growth approved the recommendations.

Conflicts of interest declared by the Executive Councillor (and any dispensations granted):

N/A

10/ENV/27 Non Key Decision - Swift Tower Artwork Commission
(Agenda item 9)

Matter for Decision:

Cambridge City Council wish to commission a 'Swift Tower' to be located on Logan's Meadow Local Nature Reserve (LNR) extension (known as "Pye Fen"). The 'Tower' will provide a key point of interest in the new natural green space and will be visible from the Riverside cycle bridge, which will provide an elevated viewing station of the proposed tower and new part of the reserve allowing a unique eye level view of swifts entering the boxes.

The Executive Councillor is asked to approve the Capital Project and Procurement Report and S106 Public Art Initiative funding of £20,000 towards a Swift 'Tower' artwork commission at Pye Fen Local Nature Reserve. The total capital cost of the project is £35,000, proposed to be funded through the S106 Public Art Initiative and the Improve your Neighbourhood (IYN) Scheme bid for Logan's Meadow LNR extension (to also be presented at the Environment Scrutiny Committee of March 16, 2010). Any on-going revenue costs will be funded from the Local Nature Reserve revenue budget.

Decision of Exec Cllr for Climate Change & Growth:

The Executive Councillor approved the Capital Project Appraisal and Procurement Report and the S106 Public Art Initiative funding of £20,000

Towards a Swift 'Tower' Artwork Commission at Pye Fen Local Nature Reserve.

Reason for the Decision:

In June 2009 a public and stakeholder consultation was held, outlining the broad scope of the project to designate Pye Fen as a Local Nature Reserve. A landscape masterplan was presented, which included the aspiration to commission an artist to design a swift tower for the site (the masterplan was attached as Appendix 3 of the report). This was met with support and encouragement. A summary of responses from the public consultation is attached as Appendix 4 of the report.

Any alternative options considered and rejected:

N/A

Scrutiny Considerations:

The Head of Joint Urban Design Team introduced the report and made minor corrections to the text of the report. On page 458 the first item in the comments column the words '*and stage 2*' are to be inserted after '*Stage 1*'.

Cllr Kerr praised the project and members agreed it would enhance the area. Cllr Herbert was concerned that the tower should be visually pleasing. Use of a national designer had been considered but rejected as an unnecessary expense. However, members were assured that the end design will be attractive.

Cllr Reid suggested that extracts of the Public Art Panel minutes would be useful when considering this type of project in future.

The Scrutiny Committee considered and endorsed the recommendations unanimously.

The Executive Councillor for Climate Change & Growth approved the recommendations.

Conflicts of interest declared by the Executive Councillor (and any dispensations granted):

N/A

10/ENV/28 Non Key Decision - Logan's Meadow LNR Extension
(Agenda item 10)

Matter for Decision:

The extension to Logans Meadow LNR is a key, strategic project delivering ecological benefits along the river corridor and increasing the level of natural greenspace available to visitors and residents.

The project will provide new wetland habitats, viewed from the Riverside cycle bridge, and a circular footpath to the existing area of the reserve.

The project also contributes to the proposed installation of an iconic swift tower and public art feature to celebrate the biodiversity of Cambridge.

It is envisaged that this project will continue to include local people in the design and ongoing management of the site and help to promote the value of biodiversity within the City.

Decision of Exec Cllr for Climate Change & Growth:

Approved the project appraisal and release of S106 monies (identified through the Improve Your Neighbourhood scheme) to deliver the new LNR habitat and access enhancements and provide a contribution towards the Swift Tower public art feature.

Reason for the Decision:

The Project Appraisal and site wide plan show the details of the proposed works. Public consultation undertaken in June 2009 was met with a favourable response.

This project reinforces the connectivity of wildlife sites along the River Cam. New habitats will assist species to adapt and disperse in response to climate change.

Any alternative options considered and rejected:

The figures stated are based on the Environment Agency's requirement to provide sufficient flood modelling of the proposed watercourses. The exact

nature of this modelling and subsequent extent of earthworks and spoil removal is still being agreed. Therefore the figures for earthworks are a maximum acceptable cost based on quotes for a similar scheme at Byron's Pool LNR. It should be noted that the exact areas of different habitats (reedbed, open water etc) will therefore need to be established as part of a continual design process.

Scrutiny Considerations:

The Nature Conservation Projects Officer introduced the report. Members supported the project. Cycle access and parking was discussed. Cllr Wright expressed the hope that residents of the Abbey Area could be involved in the project.

The Scrutiny Committee considered and endorsed the recommendations unanimously.

The Executive Councillor for Climate Change & Growth approved the recommendations.

Conflicts of interest declared by the Executive Councillor (and any dispensations granted):

N/A

10/ENV/29 Non Key Decision - Coldhams Common Local Nature Reserve *(Agenda item 11)*

Matter for Decision:

Cambridge City Council is committed to protecting and enhancing biodiversity as detailed in the adopted 2006 Nature Conservation Strategy.

Following the designation of part of Coldhams Common as a Local Nature reserve (LNR) this proposed project will deliver site enhancements for users and ecological benefits.

It is envisaged that this project will continue to include local people in the design and ongoing management of the site and help to promote the value of biodiversity within the City.

Decision of Exec Cllr for Climate Change & Growth:

Approved the project appraisal and release of S106 monies (identified through the Improve Your Neighbourhood scheme) to deliver the new LNR habitat and access enhancements.

Reason for the Decision:

The eastern end of Coldhams Common has a valuable mosaic of grassland, scrub and brookside habitats. The location next to the existing Barnwell LNRs and Coldhams Brook means that enhanced management will benefit a wide area and mix of habitats. Grazing no longer occurs on the site due to lack of infrastructure and this project proposes to reinstate grazing as a key habitat management tool.

New entrances and on site information will raise the profile of the site, improve safety / DDA access and explain the importance of the habitats, wildlife to be seen and links to the Cherry Hinton Brook corridor and wider countryside.

The Project Appraisal and site wide plan show the details of the proposed works, including linking of the eastern end to the areas of the common currently available for grazing. This would enable cattle to be moved between compartments, without the need to transport by road.

The public consultation undertaken in June 2009 was met with a favourable response.

Any alternative options considered and rejected:

N/A

Scrutiny Considerations:

The Nature Conservation Projects Officer introduced the report. Members expressed support for the project. Concerns of dog walkers were agreed to be unfounded.

The Scrutiny Committee considered and endorsed the recommendations in the report unanimously.

The Executive Councillor for Climate Change & Growth approved the recommendations.

Conflicts of interest declared by the Executive Councillor (and any dispensations granted):

N/A

10/ENV/30 Non Key Decision - Future of Development Plan Steering Group (Agenda item 12)

Matter for Decision:

The Development Plan Steering Group (DPSG) is a working party of Environment Scrutiny Committee. However, over recent years its brief has widened and it is now considered appropriate that the Scrutiny Committee and the Executive Councillor for Climate Change & Growth consider the status of the DPSG and agree to any changes required to incorporate in the Constitution.

Decision of Exec Cllr for Climate Change & Growth:

- 1 Agreed that a Development Plan Scrutiny Sub-Committee of six members be appointed from the 2010/11 Municipal Year.

- 2 Agreed the Terms of Reference for the Scrutiny Sub-Committee as set out in paragraph 4.3

Reason for the Decision:

Over recent years, the executive decisions required concerning the planning policy framework have increased in number and spread throughout the year, both because of legislative changes to planning policy and the growth issues specific to this authority. The Environment Scrutiny Committee meets four times a year currently in June, October, January and March. This annual cycle does not fit with the requirement for decision making throughout the year and consequently the DPSG has enabled the business of Executive decision making to carry on within a format allowing prior consideration by a Member working group. Although the way in which the decision making and the role of Members functions adequately, there is a risk that the working group could act outside of the current remit. It is also the case that these arrangements are out

of step with the Council's conventions on the Executive/Scrutiny split and decision making.

Any alternative options considered and rejected:

N/A

Scrutiny Considerations:

The Head of Policy & Projects introduced the report. Members were concerned at the duplication of paperwork and ways to avoid this while still ensuring that members had all the information to make a decision were discussed. Cllr Herbert had concerns about the clarity of who is making the decisions. The Director of Environment and Planning suggested reviewing the work plan and the clarity of roles.

Cllr Reid spoke of the benefits of keeping the sub committee small as the role was demanding and reflective.

Cllr Wright was concerned that members who are not part of a group would not be allocated places on this committee. Cllr Reid assured her that although she could not vote, she was welcome to request the agenda, attend the meeting and take part in the debate. Decisions tend to be made by consensus.

The Scrutiny Committee considered and endorsed the recommendations in the report by a vote of 6 to 0.

The Executive Councillor for Climate Change & Growth approved the recommendations.

Conflicts of interest declared by the Executive Councillor (and any dispensations granted):

N/A

The meeting ended at 11.25am

CHAIR