

**DEVELOPMENT AND TRANSPORT COMMITTEE MINUTES**

Minutes of a Meeting held in the Council Chamber, Nutholt Lane, Ely on Monday 14<sup>th</sup> April 2014 at 2:00pm.

**P R E S E N T**

Councillor Allen Alderson (Chairman)  
Councillor David Brown  
Councillor Sheila Friend-Smith MBE  
Councillor Tom Hunt  
Councillor Tom Kerby  
Councillor Neil Morrison  
Councillor Mike Rouse  
Councillor Robert Stevens

**OTHER ATTENDEES**

Councillor James Palmer  
Councillor Joshua Schumann  
Katie Child - Principal Forward Planning Officer  
Adrian Scaites-Stokes – Democratic Services Officer  
Members of the Public – 3

97. **PUBLIC QUESTION TIME**

The following question was received from Frances Platten:

The Parish Councils of Lode, Quy, Bottisham and Swaffham Bulbeck want to have a cycle path/pedestrian path built along the south side of the B1102 between Lode and Quy. At present there is nothing on this 2km stretch of narrow fast road. We already had a feasibility study carried out by Sustrans and paid for by Marshalls in October 2013. The estimated cost would be around £300,000. The aim is to build most of it on the wide verge beside the road. However we have been in contact and had permission in principle from the three landowners along the route to acquire small strips of land to be used where the verge is too narrow. It would provide the missing link between Cambridge, the nearer villages, Anglesey Abbey, the further villages of Burwell, Swaffham Prior and Reach, and along the Lodes Way to Wicken. It would provide a route for people with young families and those in wheelchairs wishing to get to Quy from Lode. About 1km of the road is in East Cambs, which is why I am approaching you. The question I wish to put to you today is: What are the opportunities for funding of the East Cambs section using money from the Infra Structure Levy and the New Homes Bonus?

The Principal Forward Planning Officer stated that a full written reply would be provided to the question. However, this project was not currently on the Community Infrastructure List of projects but could be added in the future. There could be

opportunities to use Section 106 monies if there was a development linked to the project.

Councillor Robert Stevens supported the provision of this cycle path, as the route was quite dangerous. It was good to identify projects in the south part of the district and this would be a very valuable project to help improve links in that area. Councillor David Brown suggested that South Cambridgeshire District Council should also be approached to help.

The following was received from Councillor Malcolm Roper of Fordham Parish Council:

Fordham Parish Council welcome the decision of Forward Planning to remove FRD3 from East Cambridgeshire Local Plan in accordance with recommendation of the Planning Inspector who raised concerns about the soundness of this allocation. Apart from the first instance when the Parish Council was first asked for its thoughts, based on limited information, it has consistently objected to this site on a wide range of issues at every stage of the consultations and agrees with the decision to remove FRD3 from the local plan. The Parish Council hope that the Committee will not be persuaded by strong lobbying to go against the Inspectors recommendations which would result in seriously delaying the whole process and wishes that a line be drawn under this unfortunate affair.

The following was received from Stewart Moffatt, Fordham resident and owner of FRD3:

The Inspector requires this committee "to robustly justify the allocation of site FRD3 compared to the other alternatives that were considered in the village." Why is the inspector questioning the decision making ability of this committee? FPC has failed to respect the decision of this Committee not once but twice and now is using various tactics to attempt to overturn this decision through the Inspector. The FPC submission to the Inspector criticized almost everything: site selection was not "robust and transparent"; "Site appraisal process has been weak"; "Councillors left not understanding"; Parish Council considers to have been a flawed process; "Decisions made on inadequate information"; Involvement of non ward councillor. But it is worthy of note that none of those objections, concerns or worries were expressed at the time, only retrospectively. They neglected to mention to the Inspector: FRD3 was a FPC preferred site until months after the results of consultation; Failure to declare their vested interest involving the choice of FRD1 over the more popular FRD3; Their lack of any opposition to inclusion of FRD2 by the planning office despite having no support in the village; No village support for the sports pavilion has left the central feature of their preferential site selection completely abandoned; Support claimed for FRD1 (site 8) was actually support for two sites; "The Parish Council subsequently *realised* that there were a number of disadvantages to one of the sites (FRD3)" but only months after they had already decided to exclude it; They had no opposition to FRD3 until my complaint was upheld over failure to declare vested interests in late September in fact they blamed the Planning Office over its exclusion up to that point.

The issue of vested interests has been neatly glossed over. Bizarrely the only individual who will suffer a significant financial loss if FRD3 is developed (17 acres of quality farming land and all European subsidies it attracts) is still able to lead a Parish Council campaign against its development. FPC told the Inspector their Chairman is no longer involved with FRD3. This is absolutely not correct; he is actively demanding a reissuance of his tenancy agreement from me on the 17 acre field encompassing FRD3. FPC evidence was carefully tailored to fit their purpose hence why you are here once again defending this committees decision.

Insinuations over Councillor Kerby's involvement have been repeated by FPC to this committee on a number of occasions and now also direct to eh Inspector questioning his involvement and somehow implying that he has acted improperly. Prior to the March D&T meeting a County Councillor associated with FPC (the only Councillor on record of opposing FRD3) stated there was some form of relationship between my wife and Councillor Kerby and some shared financial involvement in FRD3 between him and myself. This statement was purposefully made in the hearing of other Councillors in order to cast doubts over the legitimacy of FRD3 and to question the integrity of all involved. Councillor Kerby complained to the Conservative leader to be told it is just village gossip. When you hear this sort of thing in the queue at the Coop it's village gossip when it is repeated by a County Councillor in a conference room at Council Offices it is a lot more sinister than that. The Councillor now claims this was in response to a question by a Fordham Parishioner but coincidently this mimics exactly the tome of FPC comments as he mimics their view on FRD3.

Please allow me to elaborate on my dealings with Councillor Kerby. Prior to FRD3 I had met Councillor Kerby briefly, once. He kindly helped transport my daughters' pony to a local show with her friend, my wife met him on that occasion and on e other similar event. Councillor Moakes as D&T Chair asked Councillor Kerby to try and settle the differences between myself and the Planning Office by arranging a meeting. Those two occasions are the only times I have ever met Councillor Kerby other than within the immediate auspices of this committee. I will state categorically for the benefit of that County Councillor and FPC that Councillor Kerby has only behave honourably. He and I have no agreements, no shared financial interests and my wife has no relationship with him. Outside the business of this committee we have no connections or dealing with Councillor Kerby at all. I have instructed my solicitor to request an apology from the Councillor concerned and also write to you Mr Chairman objecting in the strongest possible terms to this behaviour. The inference of these 'concerns' is that one District Councillor doing his job has somehow hoodwinked the whole of this committee and manipulated a vote in favour of FRD3.

The planning office has never supported FRD3 I forget the number of errors that unfortunately fell against FRD3 in the various documents and plans produced by them in 2012/3. This bias unfortunately remains. Appendix 7 page 17 Site 8 accessibility to Primary school is Good. Appendix 7 page 19 Site 11 accessibility to Primary school is Distant. The difference is 120m however FRD3 is on the cycle path and there is no need to cross the main road to access the school.

They are very much in favour of FRD2 although with no village support. Curious circumstances surrounded the inclusion of FRD2. The Planning Office claimed it was “discovered” after this Committee asked for more sites to be brought forward but in fact it was already recommended to them by FPC three months prior to that. They later revealed the landowner initially declined to take part in the consultation but changed his mind. FRD2 is already up for sale at many multiples of its purchase price.

Scaremongering, the Planning Office have declared there is a risk that the plan will be declared unsound if FRD3 is included, actually the Inspector has simply asked for its inclusion to be robustly justified. Will this plan really fail because a District Council committee supports Localism, supports the community view over a minor village site, where the sole financial benefactor of excluding FRD3 is a Parish Councillor leading the opposition to that development. I think not. Planning Office refers to the need to satisfy the National Planning Policy Framework (NPPF). Had FRD3 contravened any of those requirements then they would have gleefully informed this Committee. They also observe “that public consultation is an important part of the Process”; however nowhere does it say it should or can be completely ignored as the Planning Office does, on a routine basis! The technical appraisal of FRD3 has not changed at all, there are three issues: The view, (over or through the hedge) the same view the Planning Office happily overlooked whilst to their advantage. It should also be noted that FRD3 was the most popular when as Site 11 the whole 300m frontage was available to develop; Archaeological interest, quite normal; Mains sewer runs along the frontage of the site. This committee will remember the Planning Office altered the shape and size of FRD3 after allocation, presumably this has already been taken into account. The Planning Office also claims (Housing option review 5.2) “However, it is acknowledged that the Parish Council has never supported the allocation of FRD3”. This is semantics. FRD3 (site 11) was originally a FPC preferred option and they expressed no objection to it until after a complaint was upheld about their failure to declare a Vested Interests 6 months after the consultation.

Normally this Council would rightly respect the FPC view as the community view and would only overrule in unusual circumstances. You should expect that in return FPC would respect the oversight of the ECDC decision. Having now failed to overturn it under scrutiny they have challenged this decision again through the Inspector. Any threat to the stability of the plan originates in the failure of FPC to support their communities’ view, the failure of FPC to respect the decision of this Committee on a number of occasions and ultimately their use of various tactics to attempt to overturn this decision. The plan would be significantly safer if the smear and innuendo stopped, if FPC could represent their community and drop their objection to FRD3 and instead apply it to site FRD2, unconsented, unknown and unwanted in Fordham. This is quite an extraordinary situation. The community choice (the same community FPC professes to represent) is being actively opposed by them, a site which has never been consulted on is being developed because “the Parish Council doesn’t think it matters whether its developed or not.” The Planning Office rightly says, “Public consultation is an important part of the Process.” If Localism has any place in this plan then FRD3 should be supported as the first choice for Fordham

followed by FRD1 and FRD2 should be excluded altogether. FRD3 was the clear choice from the village consultation (see App7 Page 28). FRD1 with less support (albeit shared from 2 sites) and almost 50% more objections was chosen by FPC. FRD2 has no credibility from consultation, disinterest from the FPC and serves only the Planning Office and its owner. No other village in this plan ad a site parachuted in post consultation, no other village choice has been ignored by its Parish Council in this way. Why with all the questions over these other sites should Fordham be treated differently and localism be completely ignored? Will this committee robustly defend the selection of FRD3 for the same reasons they have already done twice before supporting the choice of the people of Fordham and by doing so also demonstrate that smear and innuendo have no place in this Council?

The Principal Forward Planning Officer noted that there were a lot of points made in the statement and that a written reply would be provided. The Committee were reminded that it was the Planning Inspector's job to query the decisions made by the Committee and questions had been raised relating to the FRD3 site, particularly as other sites scored well against it. The Committee needed to decide about FRD3 based on the technical work completed and as shown in Appendix 7 to the relevant report.

98. **APOLOGIES AND SUBSTITUTIONS**

Apologies were given on behalf of Councillor David Ambrose Smith.

99. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

100. **MINUTES**

It was resolved:

That the minutes of the meeting held 11<sup>th</sup> March 2014 be confirmed as a correct record and be signed by the Chairman.

101. **CHAIRMAN'S ANNOUNCEMENTS**

There were no Chairman's announcements.

102. **EAST CAMBRIDGESHIRE LOCAL PLAN – POST HEARING WORK AND PROPOSED MODIFICATIONS**

The Committee considered a report, reference N261, previously circulated, which informed about the outcome of further work requested by the Planning Inspector following the Local Plan hearing sessions and the post-hearing proposed modifications to the draft Local Plan.

The Principal Forward Planning Officer advised the Committee that there were no fundamental constraints to the draft Local Plan but further work had been requested

by the Inspector. General reports were set out in Appendices 1 to 5, with two particular allocations set out in Appendices 6 and 7. A Schedule of Proposed Modifications was set out in Appendices 8, 9 and 10, which included minor changes, that would have to go out to further public consultation.

Councillor Tom Hunt wanted clarification that the suggested amendments incorporated comments from English Heritage, following discussions and negotiations, and their comments regarding the proposed Ely southern by-pass had nothing substantial in them. The Committee was informed that some changes were the result of negotiations with various organisations and the additional consultation would allow them to make further comments. The results of this would be reported to the Inspector, who would take these into consideration when writing his final report. The Inspector may hold another inspection day to focus on the bigger or major changes. The by-pass was a separate matter and would stand or fall on its own merits.

Councillor Tom Kerby wanted to thank Mr Moffatt for making the situation clear. When that site first came to the Committee it was the second highest and had been supported by Fordham Parish Council, so the Committee had included it in the plan. However, the waters had been muddied since then and there were concerns over the process. The Committee had eventually voted for three sites. The question was asked why the Council could not defend its decision over FRD3 as a preferred site. Now it appeared that on a technical basis it did not score high enough, so what had changed?

The Principal Forward Planning Officer reiterated that the site did not score highly and, although the Members had decided to include it, the Council had to deal with the Inspector's view and take it seriously. If this site were kept in the Local Plan there was a risk that the Inspector could find it unsound and the Council would have to deal with the implications of that. The recommendation to remove the site had been made based on the technical work. Other sites had consistently scored higher and the consultation and views of Fordham Parish Council were important considerations. The Parish Council had supported this site right at the start but had changed its mind. Members would have to weigh up these matters before making a decision.

Councillor Mike Rouse reminded the Committee that it had debated this issue several times over. Further comments about this could be made within the new consultation and these would go to the Inspector for consideration. However, the Local Plan should not be delayed as this would allow developers to take advantage of the situation, so this matter was urgent. If this site was excluded what options would it give the landowner?

The Principal Forward Planning Officer suggested that the landowner could take part in the additional consultation, could consider a legal challenge or could submit a planning application for the site. There would also be other opportunities to include it, through a Neighbourhood Plan which Fordham Parish Council was starting or as a rural exception site.

Councillor Robert Stevens noted that there were considerable areas allocated within Fordham that had not been developed, so why were more sites needed? Although

site FRD3 was not as good as others there was no harm it allocating it as well. The new development boundary had been redrawn behind houses on Mildenhall Road, but when had that come about? The Principal Forward Planning Officer agreed that there were already other sites allocated already but, within the overall process, all parish councils had been approached about their allocations. Basically the options were discussed, with consultations held, and in Fordham the sustainability question was taken into consideration. Fordham had a good range of services and more sites would benefit the village. The Planning Inspector had asked the Council to redraw the boundary to encourage work in the district. The Inspector thought that the Council had used the development boundary to protect the village, rather than consider using the edge for employment uses, so to help ensure the Local Plan was sound the revised boundary was included. The site on Mildenhall Road would be allocated for industry and employment use.

Councillor Sheila Friend-Smith reminded the Committee that it had tried to help Fordham Parish Council in this case, as it had elsewhere where things were very amicable. This was a difficult situation with a lot of bad feeling. The Committee had included the site in question but to keep it in would go against the Inspector's view. Whilst disagreeing with this view, the recommendation for the Local Plan should be supported.

Councillor Neil Morrison found the whole thing quite disturbing, as it appeared that the Committee's view would be overturned later on. Although we agreed to these sites, the Inspector stated the Local Plan was unsound and had to be amended.

The recommendation regarding the Fordham site was proposed, seconded and when put to the vote declared carried.

The Committee then considered the recommendations regarding Appendices 1 to 4 and agreed to them.

Regarding Appendix 5, Councillor David Brown had no problem agreeing to the boundary as shown in the Appendix, but had concerns about the suggested layout of the site as it bore no relationship to the Burwell Masterplan. For example, the sports provision had moved, meaning traffic would drive through the proposed estate. This Council had spent just over two years working on the Masterplan and some technical work had been done about a primary school. It was astounding that the County Council had ignored these views.

Councillor Mike Rouse thought this was a serious matter, considering this Council had drawn up the Masterplan and this plan did not accord with it. The Committee should support Councillor Brown's view.

The Principal Forward Planning Officer stated that it was only a concept plan produced by Cambridgeshire County Council. The sports hub had been moved following discussions between the County Council and its consultants, who were thinking in the longer term. There could possibly be another primary school in the distant future, with the possibility to share services. This plan had yet to be consulted on, so there would be plenty of opportunity to change the suggested layout.

The Committee decided to endorse the draft concept Masterplan for Burwell.

Councillor Robert Stevens supported the recommendation relating to the Bottisham site (Appendix 6). The site was behind existing housing and blended in well. It had already been included in the Core Strategy from 2009 and there was an area identified behind it for expansion. There was some concern from residents in the new houses nearby, so anything built would also have to blend in. Bottisham had 110 houses built recently with more to come. Although a lot of people commuted to Cambridge to work there was a need for more job opportunities in the villages, so it was essential that there be employment opportunities in Bottisham.

Councillor Allen Alderson endorsed those views about houses being delivered with employment. The Council should look for this when accepting the building houses.

The Committee then agreed to the recommendations for Bottisham and the Schedule of Proposed Modifications.

It was resolved:

- (i) That the following evidence studies produced in support of the Local Plan, as requested by the Inspector, be noted and endorsed:
  - Housing Supply Paper (attached as Appendix 1 to the report)
  - Strategic Housing Land Availability Study (Appendix 2)
  - Affordable Housing Note (Appendix 3)
  - Flood Risk Note (Appendix 4)
  - Newmarket Road, Burwell – Draft Concept Masterplan (Appendix 5);
- (ii) That the retention of the employment allocation at Tunbridge Court Business Park, Bottisham in the Local Plan (Policy BOT 3) as evidenced by the 'Bottisham Employment Report' (attached as Appendix 6) be endorsed;
- (iii) That the deletion of the housing allocation on land east of 67 Mildenhall Road Fordham (Policy FRD 3) in light of the Inspector's comments and as evidenced by the 'Fordham Housing Options Report' attached as Appendix 7 be endorsed;
- (iv) That the post-hearing 'Schedule of Proposed Modifications', revised Sustainability Appraisal and Consultation Explanatory Note, be approved for consultation purposes between 17<sup>th</sup> April and 30<sup>th</sup> May 2014 (attached as Appendices 8, 9 and 10) – and that any subsequent minor changes be approved by the Principal Forward Planning Officer in consultation with the Chair of the Committee.

#### 103. **LOCAL DEVELOPMENT FRAMEWORK: ANNUAL MONITORING REPORT 2013**

The Committee considered a report, reference N262 previously circulated, which reviewed the Annual Monitoring Report (AMR) 2013. The Chairman offered his thanks for the work that had gone into this document, a sentiment echoed by Councillor Mike Rouse who emphasised the importance of the document.



Councillor Neil Morrison queried why information had not been provided for some targets, as shown on page 31 of the report. The Forward Planning Officer explained that the monitoring system for parking standards had not yet been set up and would have to check the other information with the report author.

It was resolved:

- (i) That the content of the AMR 2013 (attached as Appendix 1 to the report) be noted;

It was further resolved TO RECOMMEND TO FULL COUNCIL ON 15<sup>TH</sup> MAY 2014:

- (ii) That the Annual Monitoring Report 2013 be adopted by this Council.

#### 104. **APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES**

The Committee considered a report, reference N2638 previously circulated, which sought to appoint Members as Council representatives on two Outside Bodies.

Councillor Mike Rouse thought, in light of the current restructure of the Council and committees that this issue should be deferred until it was clear who would have responsibility for these Outside Bodies. The Committee agreed to defer this issue.

Councillor Neil Morrison was very disappointed that the Committee did not hear back from the Representatives. Councillor Robert Stevens suggested that a better way to report back, rather than via a written report, could be to give a presentation on the work of those Outside Bodies. Councillor Tom Hunt thought this should be considered by the next committees.<sup>1</sup>

It was resolved:

That appointments as Council representatives on the Cambridgeshire & Peterborough Joint Strategic Planning & Transport Member Group and the Cambridgeshire Quality Charter For Growth Steering Group be deferred.

#### 105. **DRAFT MINUTES OF TOWN CENTRES WORKING PARTY – 26<sup>TH</sup> MARCH 2014**

The draft minutes of the Town Centres Working Party were received.

#### 106. **EXCLUSION OF THE PUBLIC INCLUDING REPRESENTATIVES OF THE PRESS**

It was resolved:

That the press and public be excluded during the consideration of the remaining item no. 12 because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt

---

<sup>1</sup> Following the proposed committee re-structure.

information of Categories 3 and 6 of Part I Schedule 12A to the Local Government Act 1972 (as amended).

107. **EXEMPT MINUTES**

It was resolved:

That the exempt minutes of the meeting held 11<sup>th</sup> March 2014 be confirmed as a correct record and be signed by the Chairman.

The meeting closed at 3:25pm.

Draft Minutes