

Cambridgeshire County

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Comment text:

The Fen Ditton Parish Council have been actively involved with the Wing development proposed by Marshall's and are committed to continuing as one parish. This has been a considerable effort for a small council and will continue to be in the future. A number of our plans and policies have been developed based on a single enlarged parish, for example our Affordable Housing Policy. As you will see from the attached document from our January 2014 meeting (page 4-5) we have given the idea of a separate parish for Wing some thought and come to the conclusion that the community would be better served as one parish for the reasons indicated. Some of our concerns have been incorporated in the revised outline plan submitted by Marshall's, reinforcing our long term plans for one community. While the details have not been finalised yet the plan for ownership and management of community facilities will be through a Community Land Trust. The Trust and the Parish Council will probably have a financial arrangement and appoint some of the trustees. Please see the revised Wing Outline Planning application for details. In the event that future generations of residents of Fen Ditton or Wing wish to separate into separate parish's Marshall's has agreed to incorporate such provisions while setting up the legal structures for Wing.

Uploaded Documents:

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PRE MEETING DISCUSSION DOCUMENT

Prepared for FDPC

Prepared by
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Chairman
FDPC

17th January 2014

Executive summary:

Outline planning for Wing has been submitted – mostly as we expected.

There could be a conflict between Marshall's intention of managing public services via a Management Company or Trust, usually under local authority control, therefore by-passing the democratic process.

Many public facilities are the subject of current legislation and are normally the responsibility of the local authorities including a parish council.

Other parishes that have seen major development may have had public service assets transferred to them for long term ownership and management.

(Proposed) Cornerstone FDPC policy

All public facilities/services/assets including operating costs, covered under legislation, controlled through the democratic process.

That the handover of responsibility/assets is timed to coincide with the numbers of tax (precept) paying households in Wing being approximately on par with the current number of households of the parish and the Wing development phases.

Future Wing householders should not be subject to “management fees” for any Wing services over and above the precept.

As the PC does not have the necessary knowledge on implementing such a strategy, outside resources will be required in implementing this policy.

Shop units.

The number of smaller retail units may exceed the number the local community can support relying on passing trade.

Wing and Fen Ditton Parish

INTRODUCTION

First the disclaimer. This document is written from a layman's perspective, the author has little previous knowledge of planning system.

The relationship between Wing and the existing Fen Ditton village has been discussed between councillors and at parish council meetings for some time. The discussion have been based on various draft versions of the outline plan. In general the argument to continue as one parish has prevailed and this is currently parish council policy.

However, in light of the outline planning application as submitted, councillors felt this was an good time to review this policy and widen the discussion.

This document is focused on the key relationship between Marshall's and the Parish Council. Or the relationship between Marshall's and the future residences.

Feel free to add anything you feel we need to discuss.

Initial examination of the outline plan has not reveal any unexpected items, other than fewer business premises than was discussed at some of the workshops. What is missing may be of more interest: The lack of a Wing – Parish Council integration plan.

Powers and duties of parish councils

This list is reproduced from a Department of Environment Consultation Paper on "The Role of Parish and Town Councils in England" August 1992. It is intended only as a summary of the relevant principal functions cobbled together and not intended to be a definitive list, but may be useful in guiding our relationship with Wing/Marshall's.

Allotments

Powers to provide allotments. Duty to provide allotment gardens if demand unsatisfied

Statutory provisions Small Holdings and Allotments Act 1908, ss.23, 26 and 42

Burial grounds, cemeteries and crematoria

Power to acquire, provide and maintain

Power to agree to maintain monuments and memorials

Statutory provisions Open Spaces Act 1906, ss.9 and 10; Local Government Act

1972, s. 214; Parish Councils and Burials Authorities (Miscellaneous Provisions) Act 1970, s.1 Power to contribute towards expenses of cemeteries Local Government Act 1972, s.214(6)

Bus shelters

Power to provide and maintain shelters

Statutory provisions Local Government (Miscellaneous Provisions) Act 1953, s.4

Bye-laws

Power to make bye-laws in regard to recreation grounds and Cycle parks.

Statutory provisions Public Health Act 1875, s.164
Road Traffic Regulation Public Health Act 1936, s.223
Open Spaces Act 1906, s.15 Public Health Act 1936, s.198

Closed churchyards

Power as to maintenance

Statutory provisions Local Government Act 1972, s.215

Commons and common pastures

Powers in relation to inclosure, as to regulation and management, and as to providing common pasture

Inclosure Act 1845; Local Government Act 1894, s.8(4): Smallholdings and Allotments Act 1908, s.34

Conference facilities

Power to provide and encourage the use of facilities

Statutory provisions Local Government Act 1972, s.144

Community centres

Power to provide and equip buildings for use of clubs having athletic, social or educational objectives

Statutory provisions Local Government (Miscellaneous Provisions) Act 1976, s.19

Drainage

Power to deal with ponds and ditches

Statutory provisions Public Health Act 1936, s.260

Entertainment and the arts

Provision of entertainment and support of the arts

Statutory provisions Local Government Act 1972, s.145

Highways

Power to repair and maintain public footpaths and bridleways

Power to light roads and public places

Power to provide parking places for vehicles, bicycles and motor-cycles

Power to enter into an agreement as to dedication and widening

Power to provide roadside seats and shelters. Consent of parish council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway.

Power to complain to district council as to protection of rights of way and roadside wastes.

Power to provide traffic signs and other notices

Power to plant trees etc. and to maintain roadside verges

Statutory provisions Highways Act 1980, ss.43.50

Parish Councils Act 1958, s.3; Highways Act 1980, s.301 Litter Act 1983, ss.5.6

Road Traffic Regulation Act 1984, ss.57, 63 Highways Act 1980, ss.30, 72

Parish Councils Act 1957, s.1 Highways Act 1980, ss.47, 116

Highways Act 1980, s.130 Road Traffic Regulation Act 1984, s.72 Highways Act 1980, s.96

Litter

Provision of receptacles

Statutory provisions Litter Act 1983, ss.5, 6

Open spaces

Power to acquire land and maintain

Statutory provisions Public Health Act 1875, s.164; Open Spaces Act 1906, ss.9 and 10

Public buildings and village halls

Power to provide buildings for offices and for public meetings and assemblies

Statutory provisions Local Government Act 1972, s.133

Public conveniences

Power to provide

Statutory provisions Public Health Act 1936, s.87

Recreation

Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage them Power to provide gymnasiums, playing fields, holiday camps Provision of boating pools

Statutory provisions Public Health Act 1875, s.164; Local government Act 1972, Sched. 14, para 27; Public Health Acts Amendment Act 1890, s.44; Open Spaces Act 1906, ss.9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s.19 Public Health Act 1961, s.54

Advantages of long term integration

This is a list proved by CAPAL (informal meeting)

- Potential economics of scale
- Trend to larger Parishes nationally
- Possible future government policy as part of the Localism trend
- Increase in resources

List as identified by council members:

- Coordinated and shared resources. Avoiding unnecessary competition between pavilions and balancing use.
- Additional choice/flexibility in primary schooling, assuming Wing/FD easy access.
- Wing to provide PC office.
- Possibility of two clerk's increasing flexibility.
- PC may have increased influence representing a large community
- Additional development pressure may be reduced.

Old Village facilities

The old village has some facilities that cannot be provided on the Wing site. Riverside and old character pubs and the Church. It is of great interest to the parish that all these facilities remain viable. If any of the pubs closes there could be a tempting site for developers and if the church closes there could be a cost to the parish in the maintenance of the churchyard under the legislation mentioned above.

Marshall's Vision states they do not want to negatively effect the existing pubs and the proximity of more local customers the future viability for the pubs is improved by the Wing development. ASSUMING there is easy foot/cycle access from Wing to the old village. (I can't see many customers staggering home across muddy fields). However, document 8.01 does indicate a "drinking establishment" in area B (Newmarket road, next to P&R). This is a specific permission and not just a "vision" which may not be binding. The is also mentions of Bar's so some clarification may be required.

A suitable assess route between Wing and Fen Ditton village has been identified. It is indicated as a "Potential" cycle route on the outline plan.

The addition of new residences in the village due to Wing will increases the potential congregation for the Church thus improving it's long term viability.

Downside discussion

It must be noted that initially some councillors did not view Wing as having a place in the Fen Ditton parish in the long term. This will no doubt will still be the case among the local

community. The fear expressed (from memory) was that it will have a negative impact on the small rural feel of the village, which I am sure we are all keen to maintain. Also the fear was that with the larger numbers of residences, that over time the PC will be dominated by representatives from Wing and be primarily focused on the Wing area.

If we feel that the PC is being dominated by Wing representatives (many years down the road) there are two options. We can split into two wards or instigate the democratic process to split into parishes. Which is available (under current legislation) to both areas.

The CAPAL representative informs us that in his experience, new residences do not normally take an active role in parish councils due to the demographic profile of new home owners.

From the existing information, it could be 15 years before there are sufficient residences in the Wing development to possibly dominate the parish and for this to be an issue. This is too far away for us to even consider further at this stage (opinion).

Increased workload

To date the increase in work load has been manageable and not added to the costs in any significant way. This may change as more detailed planning requests are submitted, but there is an agreement in principle with Marshall's that should mitigate the extra costs. This agreement is only verbal and in principle and not binding at this stage.

However, I am sure all the councillors are committed to ensuring that the current FD tax payers are not burdened with the additional costs in administering the Wing development.

No clear plan for public services integration by Marshall's. The "Vision" mentions a Management Company or Trust which adds another layer and can complicate management as we found with the existing Rec Trust. This additional layer could become a source of additional costs and/or revenue generator plus as mentioned outside democratic control unless structured accordingly.

Recreation facilities

Looking the legislation would suggest many recreational facilities are a PC responsibility. But Marshall's vision indicates they wish to operate the facilitates in the long term taking them out of public control. Does the PC wish to have a (binding) say or in anyway control these facilities ? Maybe a contractual arrangement or control of the Trust of management company through appointing directors or trustees ?

Section 5.59 of the outline plan

The increase in population will increase demand for community facilities. The proposed development includes 3.8 ha of outdoor sports facilities (including three junior football pitches and two adult football pitches), a sports pavilion, 12.0 ha of informal public open space (including a park, informal play space and public squares), a park pavilion (including a café and gym), 1.7 ha of allotments, 1.0 ha of children's play areas, and a community hall. In addition, 1.3 ha of open space, including three tennis courts and allotments, are proposed on land to the immediate west of the planning application boundary (covered under a separate planning application to Cambridge City Council).

It may be the case that the existing football pitch is under used. So the addition of a further 2 pitches would make this worse. Discuss !

There does not appear to be any provision in the plans to integrate sports facilities. Football facilities seem to be excessive when added to the existing pitch. (see 8.01 for details)

A key aim is that the existing (substandard), facilities do not fall into disrepair due to lack of use. In the worst case scenario, if facilities are duplicated and the end users switch to the newer higher standard facilities, justification in spending funds to continue upkeep of the current site could be difficult.

It is therefore proposed that recreation is split across the parish, for example.

Rec Ground (Church Street)	Wing
Junior play area	Play area
Cricket pitch	Skate Park
Football 45*27 Mini-League size	Football 55*36 Soccer size
Parking	Astroturf Courts
New modern Pavilion	Tennis Courts
	Multi-use games area

As pitch lighting is not possible on the Wing site due to its proximity to the airport it may be worth considering having this feature at the Rec as part of the proposed upgrade of this site.

All management and bookings of all the recreational facilities should be handled by the PC.

In the Community, Social and Economic Effects report by Terence O'Rourke Ltd the following information may be relevant:

FD Population	Type of open space	Provision (Hectares)	Requirement from Standard	Difference
790	Sport	1.99	1.26	0.73
	Play space	0.15	0.63	-0.48
	Informal open space	0	0.31	-0.31
	Allotments	1.35	0.32	1.03

In paragraph 5.27 it states:

Fen Ditton – Fen Ditton Recreation Ground, with pitches for football (very good quality), cricket (good quality) and athletics, an all-purpose pavilion (average quality), a neighbourhood equipped area of play (NEAP; good quality) and two areas of allotments (both of average quality)

The description of the “ all-purpose pavilion” being of average quality is at best optimistic. A better description would be “not fit for purpose”.

Allotments

As the allotments are in private hands and not available to the general public (as far as I am aware) they should not be included in this list.

Public rights of way

The proposal to move the existing footpath to the wooded area along High Ditch road is now shown as a winding bridle path. Tree cutting involved ? Discuss !

Precedence

How have public services and assets been handled in other large developments ? Extracts from the Cambourne web site can give us some indication.

“When the Cambourne Parish Council was formed it had no assets to look after, but was consulted on what was to be transferred over the period of the development.”

A list of the asset list for Cambourne and the dates they were transferred it gives us some idea of how public services and assets can or should be handled.

Assets	Date Transferred	Comment
The Hub, Community Centre	01/06/05	Operated by PC
Allotments Crow Hill	01/04/05	68 plots, admin and maint.
Allotments Brace Dean	01/03/10	107 plots admin and maint.
Scout/Guide Land	2011	Hut pending
Eastgate Burial Ground	2006	Leased to CC
Back Lane Sports Pitch	Phase 1 transferred Sep 2006, phase 2 transferred Sept 2008	4 mini pitches, 2 junior pitches, 1 9v9 pitch, 1 colts pitch, 3colts/adults pitches and 2 rugby pitches
MUGA and Tennis Courts, Back Lane	01/01/06	
Tennis Courts, Monkfield Lane	01/07/06	
Bowling Green, Back Lane	01/05/09	Bowls club being setup
Temporary changing rooms, Back Lane	Sept 2006	Funded by contributions from the PC, McA, Cambourne Developers and SCDC
Cambourne Sports and Fitness Centre	01/12/11	Given to the Parish Council in Dec 2011 by MCA as part of their

		infrastructure commitment.
Cambourne Sports Pavilion and PC office	01/08/11	Funded by the PC with support from MCA and SCDC.
Skate Board Park, Back Lane	01/01/06	
Great Cambourne Cricket Pitch	01/03/10	
Great Cambourne Green	01/07/06	
Great Cambourne Green Play Area	01/07/06	
Trailer Park	01/02/08	
Eco Park Kick-about Area		Originally maintained by The Wildlife Trust, this was transferred to the Parish Council as it was felt they would be better placed to maintain the kick-about area.
Teenage Hang Out	01/02/06	
Eco Park Play Area	01/02/06	
Lower Cambourne Cricket Pavilion	01/05/07	
Lower Cambourne Green and Cricket Pitch	01/01/06	
Lower Cambourne Play Area	01/07/08	
Great Cambourne Cricket Wicket	2012	
Great Cambourne Cricket Wicket Play Area	2013	
Upper Cambourne Village Green	Due for transfer	
Upper Cambourne Village Green Play Area	2011	The area will be extended as part of the infrastructure for the 950

		extra dwellings.
Upper Cambourne Village Green Car Park		
Verges and Public Open Spaces		Maintains all the verges and open spaces retained by Bovis Homes Ltd until they are transferred to the PC or CC. The PC is in discussion with the other house builders in Cambourne to come to a similar arrangement.

Extracts from the Cambourne PC web site. See appendix for link.

Points of Interest - from outline plans

The following section are extracts from the plan that may be of interest, mention the parish council, or mention an area of interest.

Community Management – Extracts from Planning Statement

- 4.19 Marshall will *retain ownership* of the public spaces and community facilities. Some of the smaller streets, lanes and mews will also not be adopted by the county council, but managed and maintained by Marshall through a *management organisation*. The details of the adoption strategy have yet to be fully worked out with the council.
- 4.20 In partnership with the **parish council** and other local stakeholders and residents, the community will be actively managed by those living or working within the community and those elected to represent local residents.
- 4.21 Policy CE/31 requires management strategies for services, facilities, landscape and infrastructure to be submitted as part of the outline planning application. These strategies have been shaped by the vision and principles for Wing, based around Marshall's own ethos and feedback from the community and **elected council members**, as outlined below.
- 4.22 Marshall intends to retain the freehold of the local centre, and will therefore be able to ensure it is well managed and maintained. It will be able to choose the occupiers, and set the terms of their lease. This will assist with minimising voids and vacancies. The units will be flexible so that they can be combined into larger units or sub-divided into smaller units to meet occupier demand. Details of the local centre will be worked up in the design code, and submitted for approval with a management plan at reserved matters stage.
- 4.23 Marshall intends to manage and **retain control of the public spaces and**

community facilities, and will establish an **estate management company** or community trust which includes residents and other local stakeholders, such as the **parish council**. Section 10.08 of the Design and Access Statement details the key features of the landscape management strategy.

4.24 The Flood Risk Assessment (Technical Appendix H to the Environmental Statement) addresses how the drainage features within the open spaces will be managed and maintained. There will be an on site presence in an estate office so that any issues that might arise can be dealt with immediately. Marshall will play a significant role in this, working alongside Fen Ditton **Parish Council**, residents and other stakeholders.

5.23 The local centre is capable of accommodating the following, many of which were suggested by local residents and Marshall's staff:

- an anchor foodstore of up to 1,500sqm gross and adjacent petrol filling station
- 3,000sqm of smaller retail units, such as cafés, shops, **bars**, dentists
- **health centre** of 1,200sqm, if this is preferred to an off site contribution. Other health uses such as dentists, chiropractor, or physiotherapists could alternatively take this space
- an arts studio / gallery which could be part of the public art strategy
- an office and meeting room for Fen Ditton **Parish Council**

Page 33

Section Summary of AAP requirements

The design should not preclude a future public transport access onto High Ditch Road, or a new junction on the A14 between the existing Quy and Fen Ditton junctions, as a replacement for the latter.

Page 35

There is no vehicular access onto High Ditch Road or into the Fison Road Estate.

Marshall's Vision

Marshall's wishes to retain some form of longterm control over wing.

We want access for local people who wish to work or live in the area. We want Wing to be a fully inclusive and integrated community from the start. This is the same policy as that adopted by the other growth sites around Cambridge. However, in contrast to those sites, we wish the policy to remain in place rather than just apply to the first occupiers.

While (personal view) there is probably no conflict in principle with this goal, how this is achieved legally is not clear. Is this an issue for the PC ?

More of a concern is the section on page 4 “Our Involvement”

We will retain ownership of a large element of the open spaces, commercial uses and public areas as we believe that the residents of Wing would prefer Marshall to have the final responsibility for the community assets rather than a management company with no long term interest in the site. Marshall has experience of looking after the tree belts, fields, hedges, fences, ditches and watercourses around the whole of the Airport. Operating an Airport adjacent to the site also brings with it additional requirements such as the management of flocking birds and the height of trees for the radar and landing equipment. Consequently, we believe we have a moral obligation to provide a stewardship role on Wing.

We are also considering retaining the ownership of the affordable housing, as again, the management of the community is seen as key to its success. As regards the day to day management of the open spaces and community assets on behalf of the community, Marshall anticipates establishing a community trust to run and manage the site, and will be one of many partners involved in its operation.

This “Involvement” would again take some facilities normally under PC control outside of the democratic process and may leave local people with no control over their local environment. While Marshall's goal of avoiding a management company is understandable (and supported by the author) they or a trust, in effect become the management company and *unaccountable*.

On the surface it makes more sense to use the existing democratic organisation, a Parish Council, to undertake it's traditional role, supported by legislation, to manage community assets in a democratic way.

It is possibly this issue that would make the idea of splitting Fen Ditton Parish off from Wing make sense, as the role of any PC could become diluted to where it becomes almost powerless.

There may be other solutions like the PC having the right to appointing trustees, but this just adds in another layer of administration costs.

What is also unclear, is the “Vision” presented in the outline plan binding? Can Marshall's change their commitments to Wings at any point. For example, if there is a change of management, the costs become a burden, or they review their commitment to the current airport location.

Affordable Letting Policy

Page 80 of the Design & Access statement states:

“Marshall wishes to retain the local lettings policy throughout all future lets, to ensure that the new affordable homes can continue to meet the need of Cambridge and the surrounding villages“

There is no mention of the legal structure they plan to use to achieve this goal similar to above.

Maintenance Costs to Wing residences

If not planned in a fair way this could become an area of some disagreement in the longer term. If Marshall's retains the long term maintenance of all the community facilities normally provided by the parish council and places a charge on the residences of Wing in addition to the precept, the new residences will probably be unhappy!.

CONCLUSIONS AND PROPOSALS

The PC request the following added to the outline plan

Wing - Fen Ditton Parish integration

To successfully integrate Wing with the existing Fen Ditton parish:

- Good foot/cycle communications.
- Public assets and services placed under democratic control
- Integrated public services and assets including upgrade to existing sports facilities
- One common service charge across the entire parish
- Public services and assets available to all residences
- Balanced representation of the PC as the community numbers change.
- Handover of responsibility for public services and assets when community population comes into balance.
- Financial support for the parish during periods of peak costs and low precept income.

Cornerstone Policy Proposal

Many of the new facilities in the Wing development are traditionally the area of responsibility of the parish council and covered by legislation. For example allotment, recreation facilities, verges.

The Proposal is that the Parish Council enters into negotiations with Marshall's with a view to taking over all relevant community facilities that are covered by legislation (see above), possibly with Marshall's acting as a contractor to the parish if they wish to continue long term maintenance. The aim is to integrate the services and precept across the entire parish, to avoid two sets of charges on the Wing residences and ensure all public services are controlled through the democratic process.

If the outline plan is passed with Marshall's retaining control (directly or indirectly) of the public assets, spaces and facilities indefinitely, the proposal is that FDPC recommends to the local

residences (via a consultation process) that the parish council instigates separation from Wing as soon as practical. There seems little benefit in committing the PC to year of effort if there is minimal positive outcome in the form of additional public assets as in the Cambourne examples. The Marshall's "Vision" may provide for many public assets but they will not be under public (democratic) control, limiting the traditional role of the PC and it not functioning as intended.

Additional proposal is that the parish council takes advise (from SCDC?) on how the transition from developer to parish council normally takes place.

Business Premises

There are fewer business premises that envisaged in the residential areas of the plan. However, the (potential) number of smaller retail outlets needs further examination. The proposal is we ask Marshall's if there is any data to support the 3000m³ of mixed use premises (A1-5,B1,D1-2), plus a further 2,600m³ (8.01). A report mentions that Savills is confident they will attract passing trade, but that appears to be the limit of the justification.

Allotments

There are no existing allotments available to local residences via the Parish Council and the Small Holdings & Allotments Act 1908, ss. 23, 26, and 42.

The new allotments should be available to all parish residences and as per the Cornerstone policy, administered through the PC.

All management and bookings of all the recreational facilities should be handled by the PC.

Propose we find out if the Marshall's "Visions" are binding.

Reference Documents etc.

<http://www.legislation.gov.uk/ukpga/Eliz2/5-6/42/contents>

<http://www.legislation.gov.uk/ukpga/1972/70/contents> Note: changes to the act make this site difficult to read.

<http://www.legislation.gov.uk/ukpga/Edw7/8/36>

<http://www.cambourneparishcouncil.gov.uk/assets>

Disclaimer

The opinions expressed in this document are the opinions of the author and do not represent the policies of the Fen Ditton Parish Council unless they are adopted at a full meeting of the council and so minuted.

This document is for internal discussion only and due to time constraints is has not been refined and error checked.

Due to time constraints expert opinion was not available before publication.