



Councillor Van De Weyer
Deputy Leader
South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge,
CB23 6EA
[By email cllr.vandeweyer@scams.gov.uk]

13th March 2020

Dear Councillor Van de Weyer

**COMBINED AUTHORITY TRANSPORT AND INFRASTRUCTURE COMMITTEE
MEETING 6 MARCH 2020**

**ITEM 12 LOCAL TRANSPORT PLAN AND THE CAMBRIDGESHIRE
AUTONOMOUS METRO**

Thank you for your emailed letter of 11 March 2020, previously acknowledged via email. I have taken instructions and will respond to your specific questions in turn. It may assist if I first set out the Combined Authority's position on the C2C project and the Mayor's letter to you of 17 February 2020.

The Cambourne to Cambridge Scheme

The Combined Authority remains committed to the implementation of the Local Transport Plan it adopted at the meeting of the Combined Authority Board on 6 March 2020. The LTP states that delivery of the CAM project is in collaboration with the Greater Cambridge Partnership including segregated public transport routes, one of which is Cambourne to Cambridge [C2C]. This was restated by the Mayor at Friday's meeting.

One of the decisions made by the Transport and Infrastructure Committee last Friday was to:

Commission the preparation of a LTP substrategy setting out the vision for the CAM metro as a whole, against which schemes contributing to the CAM can be considered

The decision of the Committee is to create a sub-strategy for the CAM. The Combined Authority is the strategic transport authority for this area with responsibility



for that strategy. It did not make a decision to deliver C2C. It made a decision which ensures that the delivery of C2C is in accordance with the LTP.

As set out in the legal implications section of the report, the Transport Act 2000 requires the Combined Authority to keep its LTP under review and to alter it if it considers it appropriate to do so. The LTP is also required to include the Combined Authority's proposals for the implementation of the policies set out within it. The officer report, at paragraph 2.3, explains the purpose of commissioning a sub-strategy as being to ensure that individual components of the CAM network, including the C2C element are driven by and fully compliant with the overall vision for the network and to ensure that the East West Rail alignment complements the CAM network. The commissioning of a sub-strategy is in accordance with the legislation, and precedent from previous LTPs, and is a proportionate response to the announcement of the East West Rail alignment and the Mayor's expressed concerns about whether the current C2C proposals reflect the overall aims for the CAM project.

It is important to note that the content of any sub-strategy is yet to be decided by the Combined Authority and can only be formulated via the statutory process for alteration of the LTP, including the opportunity for public bodies including GCP, the public and others to participate in statutory consultation on the content.

As set out in my correspondence prior to the Committee meeting with the Leader of your Council, the commissioning of an LTP sub-strategy is not capable of being a Key Decision.

The Mayor's letter to you was in part a response to the GCP Executive Board's then pending decision on the Outline Business Case for C2C, since deferred to a future meeting, with the next steps set out on your website as being:

Early 2020 - Complete Cambourne to Cambridge route presented to GCP Executive Board for final decision and to apply for powers to build the scheme

2020 - 2021/22 - Statutory consents process & Final Business Case for the scheme presented to GCP Executive Board

2024 Scheme completion

Your website clarifies that these timescales were indicative and dependent on approvals and in other settings the completion date has been given as a range 2024-25.

The Mayor set out his position and his concerns in his letter to you:

I am writing now in that capacity to make it clear to you and other Executive Board members that I do not support the scheme as currently proposed; that I therefore do not support the OBC that is being put to you for decision; and



that I do not expect the GCP to pursue this scheme any further. A rethink is needed, and as the Transport Authority the Combined Authority will provide the leadership required.

As above, the commissioning of the sub-strategy is the appropriate way for the Combined Authority, as Local Transport Authority, to deal with those concerns and to ensure the coordination of C2C with the wider CAM project and East West Rail alignment.

Question: Can you confirm in what capacity, and using what powers, the Mayor wrote to me on 17 February halting the scheme, taking over responsibility for the route and, at last Friday's Transport & Infrastructure Committee meeting, confirming this position?

The Mayor's letter to you set out his concerns, as above, and the report taken to the Transport & Infrastructure Committee was the first step in addressing those concerns. It was entirely appropriate for the Mayor to set out those concerns and to remind you of the Combined Authority's leadership role on transport matters in its area. Given that the Mayor does not support the C2C scheme as currently proposed in the Outline Business Case it would have been wrong for him not to make his position clear to the GCP Executive Board before you made a final decision on the OBC.

As set out in the legal implications section of the officer report:

- The Combined Authority is the Local Transport Authority for its area with responsibility for the Local Transport Plan.
- The power to exercise the transport functions currently being exercised by the County Council and Peterborough City Council derive solely from the statutory transport powers of the Combined Authority. The Greater Cambridge Partnership, as a joint committee of the County Council, Cambridge City Council and South Cambridgeshire District Council, derives its authority to exercise transport functions from the transport delegation granted to the County Council by the Combined Authority.
- The Local Transport Plan adopted by the Combined Authority Board met the statutory requirement to set out its policies for the promotion and encouragement of safe, integrated, efficient and economic transport and its proposals for the implementation of those policies.
- The legislation also requires the Combined Authority's functions to be carried out so as to implement the policies set out in its Local Transport Plan.

It is therefore clear that in his capacity as the directly elected Mayor of the Combined Authority and Chair of its Transport & Infrastructure Committee, the Mayor has the authority to write to the GCP to assert the leadership role of the Combined Authority on transport matters in its area and to ask GCP's Executive Board not to approve the



C2C scheme as it stood. The Transport and Infrastructure Committee of the Combined Authority has since decided that a rapid review should be carried out in the light of an overarching CAM strategy to deal with the issues about co-ordination of C2C with the wider CAM and East West Rail.

Question: When coming to the decision to halt and replace the scheme, what considerations did the Mayor take into account, including reference to the Combined Authority's decision to approve the new Cambridgeshire and Peterborough Local Transport Plan on 29 January 2020?

It is a matter for GCP whether to follow the Mayor's expectation that it should not now to proceed with the OBC but to do otherwise would risk abortive work. If work were to proceed that could be in conflict with the sub-strategy when adopted. If that conflict did arise then the Combined Authority's view is that the altered LTP would prevail and that the C2C project could not lawfully proceed in a manner contrary to the LTP. The C2C is not being halted and replaced. The Mayor has asked the GCP not to proceed with the current scheme and the Transport and Infrastructure Committee has decided that an overarching CAM strategy should be agreed, against which the current OBC can be assessed.

As set out in my email of last Friday to members of the Committee and to the Leaders of the Combined Authority's constituent councils, the Mayor had prepared answers to the two public questions asked on the LTP and CAM item but in responding to the second question the Mayor gave the answer intended for the first question and vice versa. It was not the Mayor's intention to give the assurance requested by the member of the public that "the GCPs preferred route will be confined to the scrap heap" and that is not his or the Combined Authority's position.

That is consistent with what the Mayor said in the debate on the item at the meeting of the Transport and Infrastructure Committee, when the Mayor said:

There is absolute commitment from this Transport Committee and from me as Mayor that we will deliver a metro system for Cambridgeshire and Peterborough and there is absolute commitment that will include Cambourne and it will include West Cambridge. There is absolute commitment that we will build tunnels under the City of Cambridge and we will create a transport system that will be suitable and works for Cambridge and Peterborough.

And in response to points which you had made the Mayor said:

I think your legal advice is based on an inference that we will not deliver a Cambourne to Cambridge metro route and it is very clear from this paper that we absolutely are committed to that so the report is factually correct. I do not believe that your legal advice is based on what is actually before you and our report certainly does not bin a Cambridge to Cambourne route. It certainly



commits to a Cambridge to Cambourne route and our report is consistent with the Local Transport Plan paragraph that you quoted.

Question: Can you confirm what powers you believe the CA has to construct either the C2C scheme or indeed the CAM Metro? The likely mechanism for delivery of the CAM project would be via an Order under the Transport Works Act 1992. Such an Order would be available to the Combined Authority and the necessary powers to construct the CAM would derive from any Order made. For completeness, Article 9 of the 2017 Order granted the Combined Authority various powers under the Highways Act 1980. These include the power under section 8 of that Act to enter into agreements with local highway authorities.

Question: You stated in the meeting that transport and highway powers were required by the GCP to develop the C2C scheme, hence the reference in para. 4.2. Can you confirm what transport powers you believe are required to deliver the C2C scheme?

The legal implications of the officer report set out that the exercise of local transport powers within the Combined Authority is reserved exclusively to the Combined Authority by Article 8 of the 2017 Order. This is subject to any delegation of those powers by the Combined Authority to its constituent councils. The point I was making at the Committee meeting was that any highways powers delegated to GCP by the County Council would not be sufficient for GCP to deliver C2C given that it is a transport scheme. The delivery of any transport scheme within the Combined Authority area would have to be in accordance with the LTP and any sub-strategy incorporated within it. For clarity, there is no current proposal for the Combined Authority to construct C2C in place of the GCP. It is the GCP which carries out the delivery role.

Question: Can you point to the section in the report that specifically considers the impact of South Cambridgeshire's local housing trajectory of delaying and not progressing?

As above, the C2C project is not being halted and replaced, the Mayor has asked for a pause while there is a rethink. It is a matter for the GCP's Executive Board how they now respond pending the development of the sub-strategy.

The likely timescale to adoption of any alterations to the LTP is a matter of months, including statutory consultation. Given that the GCP's stated completion date for C2C is 2024-25 it is not clear that an alteration to the LTP will have affect the overall timescales for delivery of C2C. In any event the announcement of the East West Rail alignment would of itself have required some reconsideration of C2C by GCP regardless of the Mayor's letter to you.



Question: Can you point to the section in the Transport Committee report that explicitly considers this policy position?

As above the Combined Authority remains committed to the content of its LTP and to the delivery of C2C in collaboration with the GCP. Given that there has been no change in that position since the adoption of the LTP in January it was not necessary to restate that position. I would hope that any confusion caused by the Mayor's response to the public questions at the Committee meeting has been resolved by my subsequent email clarifying the position. As set out in my email, the members of the public who asked the questions at the Committee meeting have also been advised of the Mayor's intended responses to their questions.

I have dealt with why the decisions made at Committee were not Key Decisions above. It may be that the Mayor's answers to the public questions asked at Committee have contributed to a misunderstanding of the Combined Authority's position on C2C and the decisions being made by the Committee.

Councillor Herbert has suggested that I meet with the Monitoring Officers from GCP's constituent councils so that we can discuss the legal issues arising from the current position on the C2C and the CAM. I think that is a helpful suggestion and we will be making the necessary arrangements.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Dermot Pearson', written over a light blue grid background.

Dermot Pearson

Interim Monitoring Officer