

OVERVIEW AND SCRUTINY PERFORMANCE BOARD 19 NOVEMBER 2020

SCRUTINY PROPOSAL: DEVELOPER-FUNDED HIGHWAYS INFRASTRUCTURE AND SECTION 278 TECHNICAL APPROVAL

Summary

1. The Overview and Scrutiny Performance Board (OSPB) is asked to consider the Scrutiny proposal for Developer-funded Highways Infrastructure and Section 278 Technical Approval.

Background

2. Developer-funded highways infrastructure is infrastructure which involves changes being made to public highways.
3. A section 278 agreement (or s278) is a section of the Highways Act 1980 that allows developers to enter into a legal agreement with the Council (as the Highway Authority) to make permanent alterations or improvements to a public highway, as part of a planning approval. Examples include new or changed access into a development site (i.e. a bell mouth, roundabout, signalised junction, right turn lane or a simple priority junction).
4. During its performance monitoring process, the Council's Economy and Environment Overview and Scrutiny Panel has expressed concern about the time taken for developer-funded highways infrastructure works to be completed. Specific areas of concern include the length of the overall process and the time taken for the Council to approve planning submissions from developers.
5. The delay in completing developer-funded highways infrastructure works impacts on local communities, road users and businesses, therefore this has identified this area as a priority for further Scrutiny.
6. The proposed Terms of Reference are to investigate:
 - How to get developer-funded Highways Infrastructure built quicker for the benefit of residents and road users
 - How the Council can help ensure the planning conditions imposed on developers to build key highways infrastructure by certain deadlines are met.
7. It is proposed that Councillor Alastair Adams, Chairman, Economy and Environment Overview and Scrutiny Panel be asked to lead this Task Group.
8. A Scrutiny Proposal is attached at Appendix 1.

Issues Suitable for Scrutiny

9. The OSPB agreed to use a set of criteria (listed below) to help determine its scrutiny programme. A topic does not need to meet all of these criteria to be scrutinised, but they are intended as a guide for prioritisation.

- Is the issue a priority area for the Council?
- Is it a key issue for local people?
- Will it be practicable to implement the outcomes of the scrutiny?
- Are improvements for local people likely?
- Does it examine a poor performing service?
- Will it result in improvements to the way the Council operates?
- Is it related to new Government guidance or legislation?

Next Steps

10. Other points which need to be taken into account when considering whether to review a particular issue are:

- is the subject specific? – to ensure that task groups understand exactly what they are scrutinising; and
- is it achievable within a realistic timescale?

11. Members are asked to take into account issues raised above and:

- (a) determine whether they wish to set up a scrutiny task group to look at Developer-funded Highways Infrastructure & Section 278 Technical Approval and, if so,
- (b) to consider, comment on and agree the terms of reference and scrutiny proposal and the timing of the Task Group.

Supporting Information

Appendix 1 – Scrutiny Proposal: Developer-funded Highways Infrastructure & Section 278 Technical Approval (to follow).

Specific Contact Points for this Report

Samantha Morris, Scrutiny Co-ordinator 01905 844963 sjmorris@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

- Agenda and minutes of the Economy and Environment Overview and Scrutiny Panel on 11 September and 4 August 2020, 21 November 2019, 15 September 2017 and 1 July 2016 [web-link to agendas and minutes](#)