

**ECONOMY AND ENVIRONMENT
OVERVIEW AND SCRUTINY PANEL
19 JULY 2021****DEVELOPER FUNDED HIGHWAYS INFRASTRUCTURE –
UPDATE REPORT**

Summary

1. The Panel has requested a further update on the Council's work on developer funded highways infrastructure, in particular the length of time taken for planning submissions from developers to meet the criteria for approval.
2. This topic has also been earmarked for potential further in depth scrutiny during 2021 following the County Council elections, and a draft scrutiny proposal was approved by the Overview and Scrutiny Performance Board on 6 January 2021.
3. Senior Officers from the Directorate of Economy and Infrastructure have been invited to the meeting along with the Cabinet Members for Highways and Transport and for Economy and Skills.

Background

4. During the 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. Developer funded highways infrastructure is infrastructure which involves changes being made to public highways and the development of highways infrastructure which may be adopted as public highway.
6. 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). A section 38 agreement (or s38) is similar to a s278, but relates to highways and associated infrastructure within a development, which may be adopted if it meets agreed standards.

Update on Developer Highways Funded Infrastructure – July 2021

7. A review of key areas of the County Council's Section 287/38 Development Control activity was initiated in January this year (2021).

8. This review will take account of key issues raised by the Scrutiny Panel, alongside issues identified by the Section 278/38 Development Control Team/Management. In addition, the review will include taking on board the views of developers, and other colleagues (both WCC and District), from the planning stage of developments.

9. The purpose of the review is:

'To review key processes, systems and approaches to working as necessary, within the Section 278/38 Development Control area in relation to both WCC, Developer & other key parties activity. This is to ensure that key agreed identified areas are working effectively and delivering required outputs and outcomes in a reasonable timescale'.

10. Key activity areas of the review and progress so far:

- Establish a working group with Developers and a protocol for working together, including expectations & requirements of both parties. **Working group in place with four Developers as members of the working group. Items being covered include the review of the streetlighting design process, Technical approval process and the four submissions escalation process, early planning engagement and a joint protocol for working effectively together.**
- To ensure an effective 'Technical Approval Pipeline System' is in place with agreed timescales and key performance measures, requirements and expectations for both WCC & Developers, in relation to the Section 278/38 Development Control technical approval process and associated matters. **Process has been reviewed and the next step is to implement key elements of the revised process. Alongside this update the schemes register (with around 474 schemes active at this point in time) and ensure monthly performance figures are then produced and reviewed to provide more focus on progress and any key issues/blockers.**
- To put in place a clear 4 stage system and escalation/review process at stage 4, when key items are deemed to not be progressing at an adequate pace. **Included as a part of the process, discussed and supported at the Developers Working Group. Included as a part of the outline protocol.**
- To review the level of officer and other resource provision, to ensure it is sufficient to manage and throughput the identified number of developments and associated workload. **Resource plan agreed to ensure Section 278/38 team have adequate officer capacity to deal with the number of Developments involving section 278/38 activity. Additional contractor resource secured in the short/medium term and DC Engineer posts advertised. In addition, we are in the process of creating a joint officer post in partnership with Wychavon and Malvern Hills District Councils, to help coordinate progress on DC schemes within the two districts.**
- To review the Streetscape Design Guide to ensure it further enables the front-end process and effective joint working with Developers. **Internal review of Design guide underway. To be shared with the Developers Working Group to take on board their views regarding effectiveness and any other key matters from their perspective.**

- To review the Streetlighting technical approval process & put in place agreed timescales and performance measures. **Review of Streetlighting Technical Approval process completed and using this as a model for the wider Technical approval process. Monthly performance figures now being produced and meeting majority of timescale targets. Further work to escalate issues if developer does not meet agreed timescales.**
- To review the IT systems for the management and communication with Developers to ensure these are effective in providing for good communication and management of Section 278/38 Development Control activity. **In progress, have identified a Local Authority who have a good system in place and meeting being held in July to review effectiveness of system. Business case to follow to be submitted to relevant Corporate Board.**
- To work with the Planning Development Management Team on further improving effective early engagement in planning applications with Developers & Planning Authorities. **Already underway on a number of schemes. Resource plan, once implemented, will enable more early engagement with Developers and Planning Authorities.**
- To look at a selection of other Highways Authorities Section 278/38 DC functions, with a view to understanding their arrangements/processes and considering opportunities for learning and improvement of WCC processes and systems where appropriate, both ways. **Liaison with Midlands Highways Alliance +, regarding a number of other Highways Authorities Development Control functions is underway. Over the next three months a short report will be prepared regarding how different highways authorities provide DC services, highlighting any key improvements that may be of benefit for WCC.**

Purpose of the meeting & issues for the Panel to consider

11. The Panel is asked to:

- consider and comment on the latest information update on developer funded highways infrastructure.
- determine whether any further information or scrutiny is required at this stage.
- agree any comments to highlight to the Cabinet Member.

Supporting Information

Appendix 1 - Presentation

Contact Points

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Background Papers

In the opinion of the proper officer (in this case the Assistant Director for Legal and Governance) the following are the background papers relating to the subject matter of this report:

- Agenda and Minutes of Economy and Environment Overview and Scrutiny Panel on 1 February 2021, 9 November, 11 September and 4 August 2020, 21 November 2019, 15 September 2017 and 1 July 2016

Minutes and Agendas are available on the Council's website at: [web-link to minutes and agendas](#)