

Cabinet Member with Responsibility (CMR)

Response to a Scrutiny Report

Summary of Report details:

Title of Scrutiny Report: Developer-Funded Highways Infrastructure Scrutiny Task Group

Lead Member of the Task Group: Councillor Alastair Adams

Relevant CMR: Councillor Mike Rouse

Date of Overview and Scrutiny Performance Board approval: 28 April 2023

Date of Cabinet: 25 May 2023

Purpose of the Scrutiny Task Group

To investigate:

- How to get developer-funded highways infrastructure built more quickly 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.

General comments from the CMR on the Report:

As Cabinet Member with Responsibility for Highways and Transport I welcome the report and thank the scrutiny panel for their thoroughness in their task.

I will now consider with E&I senior management how the recommendations might be incorporated into the design of the service following recent staff changes and having regard to what the relevant legislation requires.

Recommendations to Cabinet

Culture and purpose

Recommendation 1: The Mission Statement of the Section 278 Team has to be clearly defined as follows:

‘To be laser focused on outcomes and getting the highways infrastructure built as fast as possible to the required highways standards for the benefit of residents and users of the highways in Worcestershire’.

This should build on a constructive working relationship with developers, identifying and addressing issues at an early stage whilst maintaining required highways standards.

CMR Response to recommendation: *Please tick ✓ as appropriate*

1. Accept recommendation in full
2. Accept recommendation in part*
3. Decline recommendation*

*Where the recommendation has been accepted in part (number 2 above) or declined (number 3 above) an explanation of the reasons why and alternative wording should be provided below:

This recommendation will be considered as part of a current review, brought about by recent changes in the service team, having regard to Worcestershire County Council's legal obligations under the Highway Act and the fact it is not the constructor of these schemes.

Recommendation 2: To prevent multiple submissions of drawings which delay the building of infrastructure, a routine process be introduced whereby after 2 failed submissions a senior manager in the Section 278 team meets with the developer with the aim of resolving issues, aiming to achieve success with a maximum of 3 submissions of drawings.

CMR Response to recommendation: Please tick ✓ as appropriate

1. Accept recommendation in full
2. Accept recommendation in part*
3. Decline recommendation*

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Management and Oversight

Recommendation 3: More robust management oversight of the Section 278/38 Team, ensuring there is a performance management approach using appropriate management tools. Examples of such tools might include:

- Using KPI's monitored on a weekly or monthly basis to drive performance
- Using timescales set by the department with close monitoring and management oversight of targets and deadlines, and
- Making better use of the master spreadsheet or similar management tools

CMR Response to recommendation: Please tick ✓ as appropriate

1. Accept recommendation in full
2. Accept recommendation in part*

3. Decline recommendation

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Recommendation 4: Agree milestones with the Council, developers and any other relevant partners. These milestones and dates should be agreed formally to ensure everyone knows what is expected by whom and by when.

Milestones need to be agreed so that the planning conditions can be achieved and monitored by using, for example, a Gantt chart. Feedback from talking to other councils indicates that meetings to agree these milestones seems best practice and could take place either by Zoom or Teams to include the Council, LPAs, developers and developers' consultants.

CMR Response to recommendation: Please tick ✓ as appropriate

1. Accept recommendation **in full**

2. Accept recommendation **in part***

3. Decline recommendation*

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Recommendation 5: To ensure timescales are met, regular meetings to take place between all parties throughout the process to keep progress on track towards the milestones. Each job should be allocated to an accountable person who would be the liaison point with all parties.

CMR Response to recommendation: Please tick ✓ as appropriate

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2. Accept recommendation **in part***

3. Decline recommendation*

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Recommendation 6: That the Strategic Director for Economy and Infrastructure (Strategic Director) reviews the resources applied to the delivery of S278/38 agreements to ensure the workload is managed effectively across the in-house team, and the Council's technical consultant contractor.

CMR Response to recommendation: *Please tick ✓ as appropriate*

1. Accept recommendation in full
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3. Decline recommendation*

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This recommendation will be considered as part of a current review, brought about by recent changes in the service team, having regard to Worcestershire County Council's legal obligations under the Highway Act and the fact it is not the constructor of these schemes. [Please note, the Strategic Director for Economy and Infrastructure was not interviewed as part of this scrutiny.]

Planning

Recommendation 7: The Task Group recommends that the Strategic Director reviews the management arrangements for the TPDMT and HCDT to maximise opportunities for closer working between departments to achieve clarity and consistency. For example, this could mean a senior manager over both departments, or closer training together, or both departments working in the same office. There were examples from other councils where individuals between these 2 teams were seconded to the other for 1 or 2 days a week.

CMR Response to recommendation: *Please tick ✓ as appropriate*

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3. Decline recommendation*

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Highway Act and the fact it is not the constructor of these schemes. [Please note, the Strategic Director for Economy and Infrastructure was not interviewed as part of this scrutiny.]

Recommendation 8: Planning Conditions (for example – a roundabout must be built before the 150th house is occupied) must be acknowledged, met, and enforced. As most of the planning conditions are proposed by the TPDMT in the first place, it should be possible by closer working between the Council’s departments to achieve the deadlines written in the planning conditions.

CMR Response to recommendation: Please tick ✓ as appropriate

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2. Accept recommendation **in part***

3. Decline recommendation*

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This recommendation will be considered as part of a current review, brought about by recent changes in the service team, having regard to Worcestershire County Council’s legal obligations under the Highway Act and the fact it is not the constructor of these schemes. [Planning Conditions and their enforcement is a matter for the Local Planning Authorities.]

Recommendation 9. The wording provided by TPDMT to the LPA’s which are subsequently used in the planning conditions should be stronger and more robust to support the ability to enforce them.

CMR Response to recommendation: Please tick ✓ as appropriate

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Recommendation 10: On receipt of planning applications from the LPAs, TPDMT should grade and allocate them for processing in accordance with the complexity of the scheme, and where appropriate involve HCDT. However, the involvement of HCDT should not slow down the process.

CMR Response to recommendation: Please tick ✓ as appropriate

- 1. Accept recommendation in full
- 2. Accept recommendation in part*
- 3. Decline recommendation*

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Recommendation 11: Some Councils have standard formats for developer-funded Highways Infrastructure minor works planning applications. The Task Group recommends this is explored for this Council so agreement with the LPAs can be reached where it is not necessary for the Council to be a statutory consultee for certain scenarios.

CMR Response to recommendation: Please tick ✓ as appropriate

- 1. Accept recommendation in full
- 2. Accept recommendation in part*
- 3. Decline recommendation*

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Recommendation 12: It is recommended that the Council's TPDMT liaises with all LPAs to request that only relevant applications are sent to the Council. The Task Group discovered that there was an existing protocol where LPAs should not send planning applications to the Council if there were no Highways implications. This protocol should be enforced.

CMR Response to recommendation: Please tick ✓ as appropriate

- 1. Accept recommendation in full

2. **Accept recommendation in part***

3. **Decline recommendation***

*Where the recommendation has been accepted in part (number 2 above) or declined (number 3 above) an explanation of the reasons why and alternative wording should be provided below:

Assistant Director / Head of Planning and Regulatory to cover with the Local Planning Authorities as required.

Recommendation 13: The Task Group recommends an agreement of standards for Design Guides to be established between the Council and the 6 LPAs.

CMR Response to recommendation: *Please tick ✓ as appropriate*

1. **Accept recommendation in full**

2. **Accept recommendation in part***

3. **Decline recommendation***

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WCC are currently reviewing the Streetscape Design Guide. As part of the process, engagement with the LPAs will take place at a later date.

Performance Monitoring

Recommendation 14: The Environment O&S Panel should be supplied each quarter as part of their Quarterly Performance Monitoring, with sufficient information to show how each S278/38 application is performing, including at which stage they are at and performance against the milestones.

CMR Response to recommendation: *Please tick ✓ as appropriate*

1. **Accept recommendation in full**

2. **Accept recommendation in part***

3. **Decline recommendation***

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Performance Management at scheme / application level is a management function.

Recommendation 15: The Task Group recommends that a focus group concentrates on completing an urgent review of the backlog of schemes to identify, resolve and complete them. During the Task Group's work, members were made aware that out of 12 submissions some were outstanding by 1,386 days.

CMR Response to recommendation: Please tick ✓ as appropriate

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Recommendation 16: The Cabinet Member with Responsibility for Highways and Transport and the Strategic Director should be invited to Scrutiny on an annual basis to provide an update on the recommendations agreed from this Scrutiny Report. The Council's OSPB should determine the most appropriate body to carry out this scrutiny and accordingly, should be added to the appropriate Scrutiny work programme.

CMR Response to recommendation: Please tick ✓ as appropriate

1. Accept recommendation in full
2. Accept recommendation in part*
3. Decline recommendation*

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Propose a report to the Environment Overview and Scrutiny Panel in April / May 2024.

Recommendation 17: During the scrutiny, the Task Group investigated a development control software package which could automate and manage the process from start to end and provide management information and reports, as necessary. However, the Group strongly recommends that purchase of such software is not pursued until the above recommendations 1 to 13 are fully implemented.

CMR Response to recommendation: Please tick ✓ as appropriate

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Recommendation 18: The Task Group recommends that if compliant with the current contract, a review of the fee structure applied by the Council to its technical consultant contractor is carried out, with a view to simplifying the process. At such time as the contract is retendered, consideration be given to introduce specifications which incentivise efficient finalisation of the drawings for schemes and expediate S278/38 applications.

CMR Response to recommendation: Please tick ✓ as appropriate

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Recommendation 19: The Task Group recommends that the Council considers the development of a service level offer for Developers. For example, a choice of service; Technical drawing approval only as currently, or an enhanced service such as design and build. Another council offer a full service of design and build.

CMR Response to recommendation: Please tick ✓ as appropriate

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Recommendation 20: The Task Group recommends the local Councillor and residents is/are kept informed of progress with S278/38 agreements and where necessary involved as local knowledge can help resolve issues.

CMR Response to recommendation: Please tick ✓ as appropriate

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Recommendation 21: In order to minimise the risk of delays, that legal agreements are prepared in parallel with the technical approval process.

CMR Response to recommendation: Please tick ✓ as appropriate

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