

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: 23 November 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 and financial parameters.

Recommendations to Cabinet

Culture and purpose

Recommendation 1: To introduce a policy of active project management from end to end for Section 278 applications.

This means building a constructive working relationship with developers, identifying and addressing issues at an early stage and chasing for responses and submissions.

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:

Recommendation 2: To introduce a policy to use best endeavours to prevent multiple submissions of drawings.

This could be achieved by working with developers to make sure their first submission includes all relevant information (Right First Time), and after 2 failed submissions a round table meeting occurs with a senior manager in the Sec 278 team and the developer / developer consultants with the aim of resolving all outstanding issues.

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: To introduce a policy of 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: To agree milestones at the start of the process with all parties. 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 developer's 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*

1. Accept recommendation **in full**
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 WCC's technical consultant contractor. The Task Group recommends that the default position should be to keep the work in-house wherever possible.

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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Planning

Recommendation 7: The Task Group recommends that the Strategic Director reviews the arrangements for the Development Control (TPDMT) and Sec278/38 Development Control Team (HCDT) to maximise opportunities for closer working between departments to achieve clarity and consistency.

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 8: To introduce a policy to ensure Development Control (TPDMT) and Sec278/38 Development Control Team (HCDT) work together with the LPA's to help ensure any planning conditions are considered to be enforceable by the LPA.

Development Control (TPDMT) provides recommendations to the Local Planning Authorities (LPA's) which are then subsequently included in the planning conditions by simply "copying and pasting" the recommendations. The Sec278/38 Development Control Team (HCDT) should acknowledge these planning conditions as important milestones and must ensure that the technical approval is completed in sufficient time to ensure these planning conditions are achievable. Any failure to meet the planning conditions should be solely attributed to the Developer and not because of slow progress of technical approval.

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 9. The wording provided by Development Control (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*

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:

Recommendation 10: On receipt of planning applications from the LPAs, Development Control (TPDMT) should triage them for processing in accordance with the complexity of the scheme, and where appropriate involve Sec278/38 Development Control Team (HCDT). However, the involvement of Sec278/38 Development Control Team (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 Worcestershire County Council so agreement with the LPAs can be reached where it is not necessary for the County 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: The Task Group recommends that the Council's TPDMT liaises with all LPAs to request that only relevant applications are sent to the County Council. The Task Group discovered that there was an existing protocol where LPA's should not send planning applications to County Council if there is no Highways implications. The Task Group recommends the 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*

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

At the moment each LPA have their own design guide, the County Council has their Streetwise Guide, and then there are the national Manual For Streets 1 & 2, and the Design Manual for Roads & Bridges (DMRB); all have conflicting information.

CMR Response to recommendation: Please tick ✓ as appropriate

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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 Overview and Scrutiny Panel should be supplied as part of their Quarterly Performance Monitoring, with sufficient information to show how sec 278/38 applications are 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*

*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:

Recommendation 15: The Task Group recommends that a focussed 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 one application had 12 submissions and was outstanding by 1,386 days.

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 16: The Cabinet Member with Responsibility for Highways and Transport and the Strategic Director of Economy and Infrastructure 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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General Recommendations

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. The Task Group acknowledges the potential benefits of such a system but recommends that any such software is not introduced into Sec278/38 Development Control Team (HCDT) until there are significant improvements in the quarterly performance monitoring figures.

In the view of the Task Group this software should be there to support the project management of the process, but good project management practices should be firmly established in the department before the software is implemented.

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 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 is 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

1. Accept recommendation in full
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3. Decline recommendation*

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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

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

3. Decline recommendation*

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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 (via the Liaison Officers) and where necessary member involvement is requested as local knowledge can help resolve issues.

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 21: In order to speed up the process, the Task Group recommends that legal agreements are offered to be started at the same time as Technical Approval starts (ie in parallel). The Developer would be asked to pay an additional fee just in case the project never reaches maturity.

At the moment the technical approval stage is completed before the legal agreement can be started. This can add months to the whole 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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