

OVERVIEW AND SCRUTINY COMMITTEE

THURSDAY, 16TH APRIL 2015, 6.30 PM

COMMITTEE ROOM 1, TOWN HALL, CHORLEY

I am now able to enclose, for consideration at the above meeting of the Overview and Scrutiny Committee, the following report that was unavailable when the agenda was published.

Agenda No Item

**6C ADOPTION OF ESTATES REVIEW - SECOND MONITORING
REPORT**

(Pages 111 -
116)

Report of the Director of Public Protection, Street Scene and
Community (enclosed)

GARY HALL
CHIEF EXECUTIVE

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Report of	Meeting	Date
Director of Public Protection, Streetscene and Community	Overview and Scrutiny Committee	16 April 2015

**MONITORING REPORT OF INQUIRY RECOMMENDATIONS:
ADOPTION OF ESTATES REVIEW**

PURPOSE OF REPORT

- To inform members about further progress with the recommendations of the Task Group review into the Adoption of Estates.

RECOMMENDATION(S)

- That the monitoring report be noted.

EXECUTIVE SUMMARY OF REPORT

- Following the consideration of the task group’s recommendations by the Executive Cabinet, all recommendations were essentially agreed, and a follow up report on progress was made to this Committee in April 2014. The committee requested a further report.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	/

BACKGROUND

- The final report of the Overview and Scrutiny Task Group considering the Adoption of Estates was presented to Executive Cabinet on 20 June 2013, and detailed fourteen recommendations, all of which were agreed by the Executive Cabinet in their response on 24 October 2013.
- Officers made progress against those recommendations and this was reported to this committee 10 April 2014. Members welcomed the progress made to date, but had concern about the amount of estates that remained un-adopted and whilst the Committee accepted that this may be improved upon with the introduction of the new dedicated post within the planning services team, members still considered that in order to obtain effective improvements to the service there needed to be fundamental changes to planning conditions and the legal duty placed upon developers at national level. Members requested a further monitoring report.

PROGRESS REPORT

7. **Recommendation 1** - *That the Executive Cabinet asks Lancashire County Council to consider building on existing work with local planning authorities to put in place arrangements to ensure the consideration of road and highways adoption issues commences at the planning application stage of the planning process, including:*
 - *Designing developments to provide separate access routes for residential and construction traffic*
 - *Phased implementation of larger development*
 - *Laying out and constructing roads to adoptable standards*
8. Completed. Lancashire County Council replied saying, road and adoption discussions already commence at the earliest possible stages of the planning process with due consideration given to the following issues:
 - Construction Management Plans are considered on a site-by-site basis with input from planning officers, to establish and condition the use of matters including agreed access routes, working times and control of nuisances such as noise/dust/mud.
 - Phased implementation of larger developments is already an integral part of the Section 38 agreements to encourage the developer to plan his construction/sales profiling in consultation with Council officers.
 - Targeted advice is provided to residential developers throughout the development process about the need for adoptable highway layouts and construction methods and how these might be achieved. Adoption will not always be possible, for example where the developer chooses not to meet adoptable standards, or where the development relies on some basic features outside the limits of what will be safe to use or practical to maintain (for example substandard road widths or turning facilities).
9. **Recommendation 2** - *That the Executive Cabinet be asked to approve the use of a draft set of national planning conditions seeking pre-commencement on adoption matters, drawn up by the Department of Transport to be trialled by our planning service.*
10. The Planning Service continues to use the modified condition modified the standard condition suggested by the Department of Transport (DoT) and this is being applied to new proposals. Members may be pleased to note that Lancashire County Council have now introduced the condition as a pilot in Central Lancashire, with a view to rolling out across the county.
11. Chorley Council and Lancashire County Council continue their involvement in the Department of Transport working group which seeks to make recommendations on changes to legislation, national policy and practice in relation to issues surrounding adoptions. An interim report and a final report for the new Transport Minister is being prepared for after the May 2015 elections. Agreement has been reached to place the report(s) on the Council's own website to demonstrate this Council's involvement in that group.
12. **Recommendation 3** - *That the Executive Cabinet be requested to commission a study of the existing adoptions 'caseload' in the Borough, to provide a full picture of all completed and partially completed agreements, including Section 38's and 106's.*
13. Members will recall that a new role was established to coordinate matters pertaining to the Community Infrastructure Levy, s106 agreements and adoption matters. The new post of Development Implementation Co-ordinator was filled in July 2014.
14. The IDOX modules/enhancement for CIL processing, and the recording of agreements and specific obligations has not yet been implemented. Progress has been delayed by wider contractual negotiation on IDOX products by the Head of Customer & Advice Services, and the 'obligation tracker' element will be purchased this financial year. Notwithstanding this, some progress has been made on gathering data on all s106 agreements, and once the software is in place, the data can be imported into the system. The next key stage will be recording of individual outstanding obligations relating to s106 agreements, which will then enable data sharing, action planning and reporting.

15. **Recommendation 4** - *That the Executive Cabinet request Lancashire County Council to consider adopting a more flexible approach to the setting of bonds with developers, that are required before a Section 38 Agreement is made to enable the level of bond to be set on a site-by-site basis that reflects the actual cost of completing the road concerned to the required state of adoption.*
16. Completed. Lancashire County Council replied saying that the County Council already has a flexible approach to setting bonds as part of the Section 38 processes. They are established site-by-site basis, using a formula that accurately reflects the current costs of road construction and the scale of the highway areas to be offered for adoption on each site. Elements of the bonds are released before full completion of the roads subject to satisfactory completion of the necessary works at each stage of bond release. Our approach is frequently benchmarked against other highway authorities around the country; at the current time it is significantly more flexible than many and it compares favourably on comparisons of cost to the developers.
17. **Recommendation 5** - *That the Executive Cabinet agrees to make representations to the National House Building Council (NHBC) urging it to encourage developers to recognise potential benefits to them of the introduction of a mandatory requirement relating to Section 38 Agreements.*
18. Completed. Response noted but no clear action confirmed. This issue is also being addressed as part of the Department of Transport Working Group.
19. **Recommendation – 6** *That Lancashire County Council review their operational practices and resource to ensure a more timely response for developers to secure adoption.*
20. Lancashire County Council replied to say that they have completed a review of its resources and operational practices relating to the highways aspects of new development, including adoption procedures. This has resulted in updated procedures being established across the County.
21. **Recommendation 7** - *That both Chorley and Lancashire County Council consider developing a more co-ordinated approach to the process of adoption and that regular reports on the current status of adoptions across the borough be reported to the Neighbourhood Meetings of the Council.*
22. Lancashire County Council continues to provide relevant and timely information on progress with developments to Chorley Borough Council in parallel with their communications to other interested people and organisations.
23. Both the Development Implementation Co-ordinator and Lancashire County Council co-ordinate and circulate information pertaining to adoption, s106 and s38 agreements. Information on adoptions and s106 agreements are reported to neighbourhood meetings and recorded in the minutes of those meetings.
24. A specific working group has focussed on the Gillibrand Estate with participation from both developers and local residents. The Buckshaw working group continues to share information to progress adoption with all relevant parties regularly attending and sharing information.
25. **Recommendation 8** – *That Lancashire County Council considers the introduction of a pre-application service with associated costs that would not only generate additional income and focus service delivery but would also benefit the early identification of estates for adoption.*
26. Lancashire County Council have said that there are no arrangements in place for the County Council to charge fees for pre-application highways and transport related advice. All the potential implications of introducing such a charge would need to be considered before forming a view on whether this would an appropriate change to make to our service. It is therefore not possible to respond on this point at the present time.

- 27. **Recommendation 9** - *That a review be undertaken on a risk based approach for the adoption of open spaces, with Executive Cabinet also seeking an option to require developers to front load the provision of play and open spaces.*
- 28. The Parks and Open Spaces officers have identified a number of high risk projects, mainly due to timescale and these are being worked through. The next batch of adoptions will be agreed once the initial tranche are finalised.
- 29. **Recommendation 10** - *That the Executive Cabinet considers putting into place arrangements for the development of a map based system to be accessed on or via the Council's website to show information about the status of the roads in the borough for use by the community. For example, an area specifically relating to "would you like to live in Chorley" be developed that could potentially be linked to the County's website. Individual roads would be tagged according to status and actively used by Contact Chorley for the provision of information to residents.*
- 30. At April 2014, it was reported that the Council's web site offers map based information on adoptions, as do LCC. Information on adoptions is also now reported on our own website.
- 31. **Recommendation 11** - *That a list of Frequently Asked Questions (FAQ's) about the adoption of estates be published on the Council's website*
- 32. A preliminary list of FAQ's was compiled, and the Development Implementation Co-ordinator intends to review this in the light of his experiences and will be published in May/June 2015.
- 33. **Recommendation 12** - *That Chorley Council considers a pilot for the introduction of Development and or Site Exit meetings with developers, to identify new sites coming on stream.*
- 34. This project was expected to start in June 2014. Due to delays in procuring the relevant IDOX Software for CIL and s106 matters, together with an outstanding upgrade to the IDOX software for processing performance information on planning applications. However, the Development Implementation Co-ordinator has made progress in developing relationships with key developers and intelligence on potential new sites is properly shared with relevant personnel and an opportunity is taken to identify intended site starts to help co-ordination.
- 35. **Recommendation 13** - *That the Executive Cabinet agrees to make representations to the Law Society and the Council for Licensed Conveyancers urging them to consider whether conveyancers provide clients with sufficient information about the estate adoptions process and how they will be affected by the status of roads serving a property.*
- 36. Completed. Representations made and they are going to review Policy and produce a Practice Note.
- 37. **Recommendation 14** - *That developers be encouraged to nominate a dedicated officer that would work proactively with officers of both borough and county Councils on the adoption processes and be asked to consider reviewing their complaints procedures to improve relations with residents on their developments.*
- 38. A letter was issued in April 2014. The letter also introduced the new role of Development Implementation Co-ordinator. The identification of a dedicated officer is now picked up earlier in the process. With larger developers we tend to use the single point of contact for multiple sites.

IMPLICATIONS OF REPORT

- 39. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	/	Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

40. None

COMMENTS OF THE MONITORING OFFICER

41. No Comment.

JAMIE CARSON

DIRECTOR OF PUBLIC PROTECTION, STREETSCENE AND COMMUNITY

Background Papers			
Document	Date	File	Place of Inspection
Executive Cabinet: Response to Recommendations, 24 October 2014 [13.EC.98]	24 October 2013***		Council Website: https://democracy.chorley.gov.uk/ieListDocuments.aspx?CId=115&MId=3472&Ver=4 Council Intranet: http://cbc-us-mod/ieListDocuments.aspx?CId=115&MId=3472&Ver=4
Overview & Scrutiny Committee: 10 April 2014. [14.OS.82]	10 April 2014		Council Website: https://democracy.chorley.gov.uk/ieListDocuments.aspx?CId=117&MId=3503&Ver=4 Council Intranet: http://cbc-us-mod/ieListDocuments.aspx?CId=117&MId=3503
Report Author	Ext	Date	Doc ID
Jennifer Moore Head of Planning Services	5571	7 April 2014	

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