

OVERVIEW AND SCRUTINY COMMITTEE

THURSDAY, 21ST MARCH 2019, 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 reports that were unavailable when the agenda was published.

Agenda No	Item	
7	UPDATE ON THE SYRIAN REFUGEE RESETTLEMENT PROGRAMME	
	This report has been removed from the agenda and will be presented to the meeting in June.	
8	MONITORING REPORT OF INQUIRY RECOMMENDATIONS: ADOPTION OF ESTATES REVIEW	(Pages 139 - 146)
	To consider and receive the report of the Director (Business, Development and Growth).	
14	UPDATE ON APPROACH TO DEALING WITH UNAUTHORISED ENCAMPMENTS ON LAND NOT OWNED BY GYPSY TRAVELLERS	(Pages 147 - 148)
	To receive and consider the report of the Director (Early Intervention and Support).	

GARY HALL
CHIEF EXECUTIVE

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Report of	Meeting	Date
Director of Business, Development and Growth	Overview and Scrutiny Committee	21 March 2019

MONITORING REPORT OF INQUIRY RECOMMENDATIONS: ADOPTION OF ESTATES REVIEW

PURPOSE OF REPORT

1. To update members on progress with the recommendations of the Task Group review into the Adoption of Estates.

RECOMMENDATION(S)

2. That the report be noted

EXECUTIVE SUMMARY OF REPORT

3. Following the consideration of the Task Group's recommendations into the Adoption of Estates by the Executive Cabinet in 2013, all recommendations were agreed, and there have been 3 follow up progress reports, the last in January 2016.
4. This report updates the progress that has been made since the recommendations. Members will be aware of adoptions that have been completed. Each Neighbourhood Area receives a report on the progress of adoptions including adoptions of roads and public open space for their Neighbourhood Area Meetings (NAMs) twice a year. The NAM reports list current information held on sites, progress and responds to queries received.

Confidential report Please bold as appropriate	Yes	No

CORPORATE PRIORITIES

5. 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 homes and communities		An ambitious council that does more to meet the needs of residents and the local area	✓

BACKGROUND

6. The final report of the Overview & Scrutiny Task Group considering the Adoption of Estates was presented to Executive Cabinet on 20 June 2013 and included fourteen

recommendations. All of the recommendations were agreed by the Executive Cabinet in their response on 24 October 2013.

7. Three Progress reports have been made and reported to this committee (10 April 2014; 16 April 2015 and 28 January 2016). Members welcomed the progress made to date. However, concern was raised about the length of time it was taking for some areas to be adopted. It was recognised that timescales were an issue. However, the Director (Public Protection, Streetscene and Community) reiterated to members that the developer could choose not to transfer areas to be adopted by either the Borough or County Council and instead make their own arrangements, such as engaging a management company to maintain the development. It was made clear that a more co-ordinated response was required from the Council and its partners, in particular from Lancashire County Council and United Utilities, to help speed the process along by making their relevant inspections in a timely fashion. A Lancashire County Council “Highways” briefing, Member Learning session explaining LCC’s highways role was held on 12 December 2016.

MONITORING REPORT

- 8.

Recommendations 2013	Further Updates 2019
<p>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:</p> <ul style="list-style-type: none"> • 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. 	<p>Lancashire County Council (LCC) replied saying the advice remains as per that of 2016. The new highway layout of any planning proposal is one of the considerations examined when we are consulted by the Local Planning Authority.</p> <p>We encourage all developers to construct estate roads to adoptable layout and specifications and our comments reflect this position. We are clear in identifying those developments which we would seek to adopt as highway maintainable at public expense. We will also highlight the shortcomings of any development which does not meet with our adoption criteria. It should be noted that adoption does rely upon the developer offering the highway for adoption and the county council cannot force developers into bringing forward the highways of their developments for adoption.</p> <p>Construction management plans are considered on a site by site basis and the county council would recommend that they are conditioned to permission when required. They will cover a multitude of construction related elements including construction traffic routes, construction access, parking for construction workers, control of debris deposited on the highway as well as other none highway related items such as control of noise and working hours.</p> <p>Phased implementation of Section 38 agreements is undertaken in conjunction with individual developers’ requirements.</p> <p>DC Officers can confirm that this way of working has now been adopted and that the starting point for comments of the LCC Highways officer on planning applications is that any internal roads</p>

	<p>would be adopted and an assessment of whether they would meet adoptable standards is carried out.</p> <p>Developers, particularly for smaller schemes, do not necessarily wish to offer estate roads for adoption, and are therefore required to confirm this at application stage, with alternative arrangements outlined, should public adoption not be pursued.</p>
<p>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.</p>	<p>LCC Highways now request that conditions are attached to the grant of planning permission to seek details on the construction of estate roads to adoptable standards where applicable and these are attached to new planning permissions.</p>
<p>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.</p>	<p>Planning Obligations Officer: the task of creating a database of adoptions was transferred to the Planning Obligations Officer in May 2018. Adoptions of Chorley Council assets will be tracked and monitored via Exacom where adoptions are required within a S106 agreement.</p> <p>S38s: Currently there is an ongoing task to update a highways database as and when information is requested on roads within the Borough. This is now steadily building as no adoptions 'caseload' previously existed. LCC do not have a comprehensive list of S38 which means we are updating the database on a case by case basis. Planning Obligation Officers contact the developers and LCC twice yearly regarding specific S38 agreements to request an update on progress. Database is updated as pertinent.</p> <p>S106 Agreements: All historic S106 agreements, and newly created, will be uploaded into the new Exacom system over the next 6 months. This will enable even better clarity and tracking of all obligations under the S106, and assists in tracking adoptions and adoption requirements of play areas, POS, amenity greenspace, etc. Reports will also be more comprehensive and informative.</p>
<p>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.</p>	<p>Lancashire County Council replied saying that bonds are determined based upon current road construction costs and the extent of highway to be adopted. As a result, each bond is already bespoke to each individual development site, albeit devised through a formulaic approach.</p> <p>Lancashire County Council's bond calculations are benchmarked against other highway authorities in the country and are generally favourable in comparison.</p>

<p>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.</p>	<p>The NHBC replied saying “NHBC’s position as surety on bonds means that we act as the financial guarantor in favour of the beneficiary should the Developer fail to meet their obligations under the terms of the bond agreement. We do not have any influence in local authorities adopting roads. It is the beneficiary that has the power to ensure roads are adopted and it needs to be a conversation between the developer and the beneficiary to ensure roads are adopted. We encourage our registered developers to obtain adoptions wherever possible as this then provides them with headroom for new bond requirements. We also charge for bonds that are beyond the terms of the bond in an effort to encourage adoption”.</p> <p>The NHBC has published a Road and Sewer Bond Guidance (May 2018) for builders and developers wishing to use their service as surety for bonds: http://www.nhbc.co.uk/Builders/ProductsandServices/Roadsewerbonds/</p>
<p>Recommendation (6) That Lancashire County Council review their operational practices and resources to ensure a more timely response for developers to secure adoption.</p>	<p>Lancashire County Council replied saying that they implemented a highways restructure in April 2017. This has resulted in a reorganisation of the Development Support team and management structure to provide efficiencies and consistency across Lancashire.</p>
<p>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.</p>	<p>Lancashire County Council replied saying there is currently no update regarding the development of a system to inform Neighbourhood meetings of progress on highway adoptions.</p> <p>Planning Obligations Officers produce the Neighbourhood Area Meetings (NAMs) reports with updates on adoptions (data gleaned from the growing adoptions database, POS Officers, requests to LCC following Cllr queries, Development Control, and MapZone). These updates are submitted at every NAM twice yearly. The latest NAM reports are shown as a link in the Background papers.</p> <p>The Planning Obligations Officer post now has the following requirements included with regards to adoptions:</p> <ol style="list-style-type: none"> 1) To be responsible for adoption issues covering the council’s responsibilities for our owned land and maintaining accurate records in relation to adoptions by third parties such as LCC. 2) To respond to any enquiries in relation to the status of adoptions by liaising with appropriate

	<p>partners/statutory undertakers to request information, and to inform them of Councillor/resident concerns.</p>
<p>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.</p>	<p>Lancashire County Council replied saying they revisited their position on pre-application advice and subsequently introduced a charged pre-application advice service in June 2017.</p> <p>This service has been used by applicants on several occasions now.</p>
<p>Recommendation (9) That a review be undertaken on a risk based approach for the adoption of open spaces.</p>	<p>The majority of open spaces and play areas in recent years have been handed by the developer to a management company rather than being adopted by Chorley Council. These negotiations are held at the planning stage. Do we need a process to be more involved with the planning application process of open space and play areas to ensure that the design and quality of the spaces is at a level that we would want to adopt should this be the outcome?</p> <p>Open Space officers have requested they are consulted by planning officers where appropriate. Open spaces and play areas are continuing to be adopted and historic adoptions resolved.</p>
<p>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.</p>	<p>Chorley Council no longer pays for access to the Lancashire County Council Highways link due to the data being outdated. An alternative method of securing this data has been investigated (via FOI) and it is intended this will be in place by Mid-March 2019. This data will then be updated monthly.</p> <p>MyChorley has recently undergone an extensive update which provides additional functionality to the end user and we are currently in the process of procuring updated aerial photography from Ordnance Survey.</p>
<p>Recommendation (11) That a list of Frequently Asked Questions (FAQ’s) about the adoption of estates be published on the Council’s website.</p>	<p>Rather than providing a list of FAQs, officers will publish information on the Council’s website to raise awareness of the need for potential house buyers to ensure that their solicitor or conveyancers raises queries with the vendor about the status of the estate road.</p>
<p>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.</p>	<p>We are proactive with developers to both get a feel for new sites coming forwards, this is done from a planning perspective, but also an economic development angle. The concept of site exit meetings is being used e.g. Buckshaw and Gillibrand.</p> <p>This is appropriate on major development sites</p>

	<p>such as Buckshaw and Gillibrand, however, it would be inefficient for Chorley Council to co-ordinate development / exit meetings on single phase developments of lesser scale. In such cases the adoptions process is for the developer to resolve with LCC and should be relatively straight forward given the change in approach that LCC have now taken, whereby adoptable standards are sought at the application stage unless a developer confirms otherwise.</p>
<p>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.</p>	<p>We have asked for an update but have received no reply to date.</p> <p>It is noted the Department for Transport published an Advice Note with assistance from the Law Society in April 2017 on “Highway Adoptions – the adoption of roads into the public highway (1980 Highway Act)”. This Advice Note is intended to set out best practice on road adoption for all those who are involved in the development and purchase of homes. Annex C provides a Short Guide for House Buyers as guidance only. It is not a substitute for independent legal advice. Link attached: here</p> <p>The Council for Licensed Conveyancers does not have any information about adoptions in their Home Buying Process guides or on their website.</p>
<p>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.</p>	<p>Individual case officers act as the liaison officer between developers and work proactively with the County Council on major phased developments.</p>

IMPLICATIONS OF REPORT

8. 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

10. No comment

COMMENTS OF THE MONITORING OFFICER

11. No comments.

MARK LESTER
DIRECTOR OF BUSINESS, DEVELOPMENT NAD GROWTH

Background Papers		
Document	Date	File
Overview and Scrutiny Committee 15.OS.38c 16.OS.29 Final Monitoring Report	28 January 2016	https://democracy.chorley.gov.uk/documents/s61362/Final%20monitoring%20report%20of%20Adoption%20of%20Estates%20Review.pdf
Executive Cabinet: Response to Recommendations, 24 October 2014 [13.EC.98]	24 October 2013	http://mod/documents/s39594/Executives%20response%20to%20the%20Overview%20and%20Scrutiny%20Task%20Group%20inquiry%20into%20the%20adoptions%20of%20Estates.pdf
Adoptions Update Chorley Town East NAM	30 January 2019	http://mod/documents/s94799/Adoptions%20Update.pdf
Adoptions Update Chorley Town West NAM	21 January 2019	http://mod/documents/s94278/Adoptions%20Update.pdf
Adoptions Update Clayton and Whittle NAM	28 January 2019	http://mod/documents/s94614/Adoptions%20Update%20Clayton%20and%20Whittle%20NAM.pdf
Adoptions Update Eastern Parishes NAM	6 February 2019	http://mod/documents/s95247/Adoptions%20Update%20Eastern%20Parishes%20NAM.pdf
Adoptions Update Euxton, Astley & Buckshaw NAM	7 February 2019	http://mod/documents/s95262/Adoptions%20Update%20Euxton%20Astley%20Buckshaw%20NAM.pdf
Adoptions Update Southeast Parishes NAM	19 February 2019	http://mod/documents/s95708/Adoptions%20Update.pdf
Adoptions Update Southern Parishes NAM	10 January 2019	http://mod/documents/s93925/Adoptions%20Update.pdf
Adoptions Update Western Parishes NAM	23 January 2019	http://mod/documents/s94289/Adoptions%20Update.pdf

Report Author	Ext	Date
Alison Marland	5281	12 March 2019

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