

Overview and Scrutiny Task Group - Adoption of Estates

Tuesday, 22 January 2013

Present: Councillor Matthew Crow (Chair) and Jean Cronshaw, Julia Berry, June Molyneaux and Dave Rogerson

Also in attendance

Councillors:

Officers: Jamie Carson (Director of People and Places), Jennifer Moore (Head of Planning), Alex Jackson (Senior Lawyer), Carol Russell (Democratic Services Manager) and Dianne Scambler (Democratic and Member Services Officer)

13.TG.5 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Roy Lees, Kim Snape and County Councillor Mike Devaney.

13.TG.6 MINUTES

RESOLVED – That the minutes of the Overview and Scrutiny Task Group – Adoption of Estates meetings held on 19 December 2012 and 14 January 2013 be confirmed as a correct record and signed by the Chair.

13.TG.7 DECLARATIONS OF ANY INTERESTS

No declarations of interest were declared.

13.TG.8 CONSULTATION WITH DEVELOPER

The Group heard further representations from one of the developers that had experience of building in the Chorley Borough.

Arley Homes North West Ltd

Phillip Powell – Development Engineer

Mr Powell stated that there were a lot of experienced people in Local authorities that could give him support, as and when required. However the main issue for his company was the large timescales that existed with technical conditions on developments which worked against their ethos of buying land to build on quickly. Sometimes technical approval seemed very slow, legal turnarounds have been drawn out particularly in relation to Section 38 and 278 agreements on the sites.

Mr Powell also commented that he was sure there were a number of developments in the area that had been constructed to adoptable standard but the section 38 agreement has not been completed, which in turn prohibits the highway being put onto maintenance and ultimately adopted and maintained by the local authority. In this instance a Section 228 agreement could be used to adopt the highway within a shorter timescale than progressing with a Section 38 and asked if this was something that the Authority would considering looking into.

Mr Powell also complained about not being able to get Highways Inspectors out on site to complete their remedial lists that are required to be done before the site is adopted, although he felt that this was due to officer workload constraints rather than

unwillingness on their part. The developers pay large fees for this process and feel that the turnaround time needs to be improved upon greatly. There is a statutory time of 28 days given for the Inspection by Lancashire County Council, however as Mr Powell explained this length of time is unacceptable in certain cases, for example, when the developer has prepared a road ready for a top coat. If it is not inspected in a few days, the weather can spoil it, meaning that it will have to be done again. This means that the developer incurs additional costs and this can be extremely frustrating. Mr Powell suggested that a grading system of inspection with associated relevant fees would be better for developers and would help with the process of adoption.

It was also felt that the calculations for the bonds placed upon developments were too great and again made the suggestion that a more gradual staged process would be better. The present calculations needed to be reviewed as the costs of remedying any building costs, for example the construction of a road where far too high, even taking into consideration the additional factors that Lancashire County Council insisted they needed to factor in.

The transfer of open space to a management company instead of the local authority was mainly down to the cost implications. It was simply much cheaper to get a management company to deal with this aspect of a development. If the costs were lower developers would probably handover this land to the Local Authority more readily.

13.TG.9 CONSULTATION WITH AN OFFICER OF LANCASHIRE COUNTY COUNCIL

Rachel Crompton – Development Support Manager

Rachel explained that she was new in post and that the service was changing its focus by supporting development. It was recognised that there was limited public funds and they want developers to build in Lancashire. Ms Crompton also explained that she had previously been a Public Realm Officer covering the South Ribble area so she was aware of all the issues that both Councils faced on the adoption of estates.

In response to the Groups concerns about highways officers not being available for site inspections and there being constant changes to snagging lists. Rachel was concerned to hear that this criticism had repeatedly come through from developers and whilst accepting that improvements could be made, wanted to point out that they did have a legal requirement of 28 days and sometimes the developers expectations were set too high. A developer would be quiet for a long time, and then expect the highways officer to be available at a moment's notice.

Ms Crompton was in the process of developing a small team of site based staff that would be able to react more readily to this type of work. It was envisaged that this would help to standardise the process and build up the experience of highways officers.

It was also explained that sometimes remedial lists needed adding to for different reasons such as seasonal changes that had identified particular issues on the highway or motoring accidents that had impacted on structure. A decision was always made as to what was reasonably deemed the responsibility of the both the highways authority and the developer before it was added to the remedial works list.

Ms Crompton was of the opinion that the main trunk road needed to be adopted first, followed by the roads that branched off it and did not share the view of officer from Northamptonshire that this could be done the other way round or in a piecemeal fashion whereby a section of the trunk road would be adopted with associated roads, a section at a time. The reason given for this was that they would only adopt a

highway that did not link to their existing highway's network; otherwise a developer could challenge the use of their road.

Ms Crompton did not really understand the developer's request around the flexibility of the bond amounts as they already implemented a phased process which reductions being given after Part 1 and Part 2 completion stages. Members explained that it was mainly around the starting figure for the bond that developers felt were too high and were querying the amounts the highways authorities calculated for certain works to be carried out being much higher than the actual costs.

Ms Crompton explained that their calculations had to factor in many additional costs that the developer did not consider, for example health and safety issues. The Council needed to be certain that the bond would cover their costs of construction if needed and not how much the developer thought they could do it for at that actual moment in time.

The Group did have some concerns about how the issues and frustrations of residents were being communicated to the relevant portfolio holder on the Executive Cabinet for Lancashire County Council as there did not seem to be a reporting structure in place for this. Members queried how improvements could be addressed if the Cabinet was unaware of the problem.

Ms Crompton concluded by extending her willingness to work together with Chorley on the issues surrounding adoption and thought that they could assist by sharing their intelligence about developments across the borough.

The Chair thanked Ms Crompton for her contribution to the review.

13.TG.10 CONSULTATION WITH OFFICERS OF CHORLEY BOROUGH COUNCIL

Jennifer Moore – Head of Planning
Nicola Hopkins – Principal Planning Officer
Robert Rimmer – Business Support Team Leader

Officers of Chorley Council talked to the Group about a number of key areas that they thought were important going forwards with an improved adoptions process for residents of the borough.

Chorley Council did a lot of work around pre-application and had a scheme of fees and charges associated with this process. These fees made the service more focused and officers worked in a more business-like fashion ensuring that deadlines were adhered to and ensured a smoother delivery of the process. The pre-application process enables officers to sort out a lot of the issues that are associated with a development prior to an actual application for development being submitted and to establish and maintain good working relationships with the developers.

It was the Council's understanding that Lancashire County Council did not offer such a service and if they did, it was work that was undertaken but yet not charged for. Indeed, a lot of the work that Chorley officers needed to do, was obtained via the County but we did not incur a charge for these requests. Officers felt that if County were to take the approach that Chorley had undertaken and introduced a scale of fees and charges for this work, they would not only generate additional income but would be much more focused in the provision of information.

The Highways design was key to the development and subsequent adoption of the site and Chorley officers consistently had to press County officers in order to progress. A number of staffing changes at County had also meant a lack of continuity in the process and officers felt that there were merits for a co-ordinator role to provide an

enhanced level of co-ordination and the team felt that this could be achieved from within the team.

The Council were also really interested in the work that had been undertaken by the review on adoptions by Northamptonshire County Council and were open to implementing the draft planning conditions for future developments to see if this made a significant improvement to the speed of adoption. They were keen to trial many aspects of the recommendations from the Northamptonshire review, including the more flexible approach to the setting of the bonds, although this was something they had no control over as the highways authority was the County Council, they hoped, however to work more closely in partnership with county officers with regards to this issue in the future. Adequate systems, data management and regular review along with improve relations would improve the adoption process greatly.

Chair