

| Report of  | Meeting                       | Date            |
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| Director of Public Protection, Streetscene and Community | Overview & Scrutiny Committee | 28 January 2016 |

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

### PURPOSE OF REPORT

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

### RECOMMENDATION(S)

- That the report be noted.

### EXECUTIVE SUMMARY OF REPORT

- Following the consideration of the task group's recommendations by the Executive Cabinet, all recommendations were agreed, and follow up reports on progress was made to this Committee in April 2014 and April 2015. At the meeting in April 2015, a further report was requested.
- The report outlines progress that has been made. Members will be aware of adoptions that have been completed. Some of these will be full developments, for example, Fairview. Others will be elements on particular streets, for example Buckshaw and Gillibrand. However, a number of factors have resulted in progress not being made as anticipated against some recommendations; these are outlined in the report.

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| <b>Confidential report</b><br>Please bold as appropriate | Yes | No |
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| <b>Key Decision?</b><br>Please bold as appropriate | Yes | No |
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| <b>Reason</b><br>Please bold as appropriate | 1, a change in service provision that impacts upon the service revenue budget by £100,000 or more | 2, a contract worth £100,000 or more  |
|   | 3, a new or unprogrammed capital scheme of £100,000 or more                                       | 4, Significant impact in environmental, social or physical terms in two or more wards |

### REASONS FOR RECOMMENDATION(S)

- To note progress following the recommendations from the Overview and Scrutiny Committee.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

6. None.

## CORPORATE PRIORITIES

7. This report relates to the following Strategic Objectives:

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| 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

8. 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.
9. Progress has been made and this was reported to this committee 10 April 2014 and on 16 April 2015. Members welcomed the progress made to date, but noted that a number of estates that remained un-adopted and whilst the Committee accepted that this has improved with the introduction of the new dedicated post within the planning services team, members still considered that in order to obtain effective improvements there needed to be fundamental changes to planning conditions and the legal duty placed upon developers at national level.

## PROGRESS REPORT

| 10. | Recommendation  | Action  |
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|     | <p><b>Recommendation 1</b> - <i>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:</i></p> <ul style="list-style-type: none"> <li>• <i>Designing developments to provide separate access routes for residential and construction traffic</i></li> <li>• <i>Phased implementation of larger development</i></li> <li>• <i>Laying out and constructing roads to adoptable standards</i></li> </ul> | <p>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:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul> |

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|   | <ul style="list-style-type: none"> <li>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).</li> </ul>   |
| <p><b>Recommendation 2</b> - <i>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.</i></p>   | <p>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. Lancashire County Council have now introduced the condition as a pilot in Central Lancashire, with a view to rolling out across the county in the future.</p> <p>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. The issues covered in the working group feature in various Government consultations that are ongoing.</p> |
| <p><b>Recommendation 3</b> - <i>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.</i></p>   | <p>Chorley Council now have a comprehensive register of agreements in place. This lists all obligations, including S106 payments and assets that 'could' be adopted by Chorley Council. Progress has been made with Lancashire County Council to share information and priorities regarding their agreements. This is ongoing.</p>   |
| <p><b>Recommendation 4</b> - <i>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.</i></p> | <p>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</p>  |

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|   | 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.   |
| <b>Recommendation 5</b> - <i>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 38Agreements.</i>   | Completed. Response noted but no clear action confirmed by the NHBC.  |
| <b>Recommendation – 6</b> <i>That Lancashire County Council review their operational practices and resource to ensure a more timely response for developers to secure adoption.</i>   | 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. Given the ongoing changes, we are keeping this under review.   |
| <b>Recommendation 7</b> - <i>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.</i> | This area of work is being reviewed by the Director for Public Protection, Streetscene and Community. Good progress was made initially, but a number of circumstances have resulted in the reporting of progress to Neighbourhood Meetings not happening. This will be revisited over the coming months.  |
| <b>Recommendation 8</b> – <i>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.</i>     | Lancashire County Council responded initially to say that there are no arrangements in place for the County Council to charge fees for pre-application highways and transport related advice. More recently, Lancashire County Council have informed us that they will no longer provide this service. We are making representations to ask for this decision to be reviewed.   |
| <b>Recommendation 9</b> - <i>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.</i>   | The Parks and Open Spaces officers have identified a number of high risk projects, mainly due to timescale and these are being worked through. Each application needs to be considered on its merits, so a policy of front loading the provision of play and open spaces is not always suitable. However, if there is a case for early delivery we would make it. We also pick up communication with prospective purchasers during our discussions. |

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| <p><b>Recommendation 10</b> - <i>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.</i></p> | <p>The Council's web site offers map based information on adoptions, as does Lancashire County Council's information on adoptions is also now reported on our own website.</p>  |
| <p><b>Recommendation 11</b> - <i>That a list of Frequently Asked Questions (FAQ's) about the adoption of estates be published on the Council's website</i></p>  | <p>A preliminary list of FAQ's has been compiled. They have not been published, to date. This is in the work programme.</p>   |
| <p><b>Recommendation 12</b> - <i>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.</i></p>  | <p>We have become increasingly 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 for Buckshaw and Gillibrand.</p> |
| <p><b>Recommendation 13</b> - <i>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.</i></p>  | <p>Completed. Representations have been made and they are going to review Policy and produce a Practice Note. We are not aware that this has been completed. We have recently asked for a progress report.</p>  |
| <p><b>Recommendation 14</b> - <i>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.</i></p>  | <p>The identification of a dedicated officer is now picked up earlier in the process than was previously the case. With larger developers we tend to use the single point of contact for multiple sites. This is working much better than prior to the Inquiry.</p>           |

## IMPLICATIONS OF REPORT

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

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| 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

12. None.

## COMMENTS OF THE MONITORING OFFICER

13. No Comment.

JAMIE CARSON

DIRECTOR OF PUBLIC PROTECTION, STREETSCENE AND COMMUNITY

| Background Papers   |                    |      |   |
|---|--------------------|------|---|
| Document  | Date               | File | Place of Inspection   |
| Executive Cabinet:<br>Response to Recommendations,<br>24 October 2014<br>[13.EC.98] | 24 October 2013*** |      | Council Website:<br><a href="https://democracy.chorley.gov.uk/ieListDocuments.aspx?CId=115&amp;MId=3472&amp;Ver=4">https://democracy.chorley.gov.uk/ieListDocuments.aspx?CId=115&amp;MId=3472&amp;Ver=4</a><br><br>Council Intranet:<br><a href="http://cbc-us-mod/ieListDocuments.aspx?CId=115&amp;MId=3472&amp;Ver=4">http://cbc-us-mod/ieListDocuments.aspx?CId=115&amp;MId=3472&amp;Ver=4</a> |
| Overview & Scrutiny Committee:<br>10 April 2014.<br>[14.OS.82]                      | 10 April 2014      |      | Council Website:<br><a href="https://democracy.chorley.gov.uk/ieListDocuments.aspx?CId=117&amp;MId=3503&amp;Ver=4">https://democracy.chorley.gov.uk/ieListDocuments.aspx?CId=117&amp;MId=3503&amp;Ver=4</a><br><br>Council Intranet:<br><a href="http://cbc-us-mod/ieListDocuments.aspx?CId=117&amp;MId=3503">http://cbc-us-mod/ieListDocuments.aspx?CId=117&amp;MId=3503</a>                     |

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| Jamie Carson  | 5815 | 20/01/16 |        |