

TITLE	Officer Response to Adoption of Estate Infrastructure Review
FOR CONSIDERATION BY	The Executive on Thursday, 28 May 2020
WARD	None Specific;
LEAD OFFICER	Director, Place and Growth - Sarah Hollamby
LEAD MEMBER	Executive Member for Environment and Leisure - Parry Batth, Executive Member for Highways and Transport - Pauline Jorgensen

<p>PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)</p> <p>This report sets out the Officer Response to the 12 Recommendations set out in 5.4 to 5.19 of (Attachment 1) Adoption of Estate Infrastructure Task & Finish Group</p>
<p>RECOMMENDATION</p> <p>That the Executive approve the Officers' responses contained within this Report.</p>
<p>EXECUTIVE SUMMARY</p> <p>The Overview and Scrutiny Management Committee established a Task and Finish Group to review the adoption of estate infrastructure within the Borough. The primary objective of the Group was to make recommendations for improvement which could further enhance the delivery of high quality infrastructure and positive outcomes for new and existing residents living within new development sites.</p> <p>Following the completion of the Task and Finish Groups review of the processes, legislation, and input from Officers, Developers, Town and Parish Councils, and professional bodies, they formed 12 recommendations.</p> <p>On the whole the recommendations were accepted subject to a few which require the development of the Council's mapping and data technology facilities.</p> <p>It is considered that the recommendations could provide added assistance in improving the awareness residents and other stakeholders have when it comes to new developments and the processes involved in adoption of them.</p>

BACKGROUND

Wokingham Borough Council secures the adoption of estate infrastructure, which is voluntarily promoted by developers for adoption, including some roads and paths, and open spaces and play parks within new developments. Areas to be adopted as Highway are undertaken through Section 38 of the Highways Act 1980, whereas open space & play parks are adopted under the S106 of the Town and Country Planning Act.

Highways Adoption - developers enter into a voluntary agreement with the Council which sets out their obligations to construct the highway infrastructure to an agreed standard, maintain them for an agreed maintenance period, and provide a bond to cover the cost of the works should the developer become unable to complete them. Once these obligations have been checked and discharged, the Council will adopt the roads as publicly maintainable highway.

Open Space Adoption – open spaces can be adopted by the Council where this is promoted as an option by the developer and in this case delivery would be secured through terms set out in S106 agreements, as part of the Town and Country Planning Act 1990, agreed voluntarily between a developer and the Council. This ensures that the scheme is constructed to WBC adoptable standards and it sets out the terms and procedure for adoption. Once works are completed, the Council inspects the site to ensure that the design drawings have been adhered to. This is followed by a 12 month maintenance period before it is formally adopted by the Council. Commuted Sums are also obtained from the developer as part of the S106 agreement and this provides for the ongoing maintenance of the open spaces moving forward. Adoption is however not the only route available to secure the proper maintenance of the land and a developer is entitled to demonstrate other means such as a management company for example and in planning perms provided maintenance is secured, then the planning requirement would be satisfied.

Further to the processes which are followed by the Highway Adoption Team, and given the number of sites (currently over 80) which the Council oversees for potential adoption, Council Members have raised concerns. They are aware of both local and national situations when, for various reasons, estate infrastructure has not been delivered to the correct standard and/or within the agreed timeframe, thereby causing anger and frustration for residents. As a result, the Overview and Scrutiny Management Committee decided to set up the Task and Finish Group to review these situations and processes followed for adoption.

The primary objective of the Task and Finish Group was to produce recommendations for improving where possible, and if necessary, the adoption of high quality estate infrastructure, resulting in positive outcomes for residents across the Borough. In so doing, Members have met with officers, Developers, and Parish Council's as well as visiting several development sites to obtain insight and a greater understanding of the often complex work and negotiations involved in infrastructure adoptions. The report makes reference to the excellent work which already takes place and the high level of expertise and commitment demonstrated by Council staff. However, as always, there may be scope for further improvements.

A final report (Attachment 1) was prepared and considered by the Overview & Scrutiny Committee on 22nd January 2020. This made a number of recommendations to be

presented to the Council's Executive to be implemented where possible in 2020 and subsequent years. These recommendations and the responses are set out below.

Recommendation	Officer Response
<p>1 That the Council considers measures to increase public awareness about the adoption of new infrastructure, for example through the provision of general advice and Frequently Asked Questions on the New Residents section of the Council website.</p>	<p>Agreed - A short note on adoptions has been added to the Council's website already and shared with Members (following the initial discussion at the O&S Management Committee on 17 July 2019). Further developments and FAQ will be added 2020.</p>
<p>2 That the Council considers measures to improve and expand the current interactive maps on its website, for example by including more details on S38 roads and roads not due to be adopted</p>	<p>We have already produced interactive maps to enable town and parish councils to check the status of open space related requirements on new developments and are now reviewing this in relation to highways adoptions. The data is compiled and tests are taking place for mapping it. We currently anticipate this will be available in later in 2020.</p>
<p>3 That the Council considers measures to provide more regular briefings for Town and Parish Councils, especially in relation to new housing developments in their areas and the rights and responsibilities of different stakeholders.</p>	<p>We are developing a self-serve digital mapping system as above in question 2 and this will therefore address this suggestion in due course.</p>
<p>4 That WBC Officers provide regular updates to the Borough Parish Liaison Forum on the process for adopting new estate infrastructure and the impact of new development arising out of the Local Plan Update.</p>	<p>Once we have implemented the information online referred to above, Town and Parishes would be able to have an informed dialogue with colleagues in localities when they respond to individual queries as they arise using up to date information.</p>
<p>5 That the Council considers the resources available for managing the adoption process in non-SDL areas in order to ensure a consistency of outcomes for residents across the Borough.</p>	<p>The same teams manage adoptions for large and small sites, however we recognised the need for resource and have already recruited 2 more compliance officers for the delivery and infrastructure team. The recruitment was cost neutral as the charges for this service have been used to absorb the cost.</p>
<p>6 That the Council reviews the process for developing and agreeing S106</p>	<p>Agreed: within the context that S106 agreements are voluntary and may be entered into by a developer where</p>

<p>agreements relating to the adoption of open space, specifically to:</p> <ul style="list-style-type: none"> a) ensure that agreements are more detailed, specific and rigorous; b) explore the potential for including financial penalty clauses linked to key milestones, with any penalties being added to agreed commuted sums; c) encourage high quality design for new play facilities. 	<p>they agree for their land to be adopted by the council</p> <ul style="list-style-type: none"> c) There is a time lag over implementation of schemes; however new development will now be the subject of our new play area design guide which we are now using to good effect to improve outcomes
<p>7 That Officers consider potential improvements to secure earlier engagement from Highways at the initial planning or pre-application stages of the process.</p>	<p>Whilst early engagement continues to take place, the issues referenced here relate to compliance and enforcement as this is largely where the issues occur, as with the long standing Sibley Hall case. The experience of Sibley Hall has been used to improve compliance and we will continue to monitor and refine this process</p>
<p>8 That the Council works with developers to build on the proactive work of Officers in improving the level of tree survival rates on new housing developments.</p>	<p>Agreed – conditions are already applied to planning consents managing tree retention and/or replacements, and the compliance team is now fully resourced and able to undertake further site inspections / monitoring.</p>
<p>9 That the residents and Town and Parish Councils who responded to the Call for Evidence (Annex B) receive feedback and responses to the issues raised.</p>	<p>Agreed</p>
<p>10 That the Council considers measures to ensure the recruitment and retention of key staff working on the adoption process, with appropriate succession planning.</p>	<p>Agreed</p>
<p>11 That WBC Members receive annual training on the adoption process for new roads and open space linked to updates on the emerging Local Plan.</p>	<p>Agreed</p>
<p>12 That an annual update on the adoption process be submitted to the Overview and Scrutiny Management Committee.</p>	<p>Agreed</p>

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council continues to face severe financial challenges over the coming years as a result of reductions to public sector funding and growing pressures in our statutory services. It is estimated that Wokingham Borough Council will be required to make budget reductions of approximately £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	Yes	
Next Financial Year (Year 2)	£0	Yes	
Following Financial Year (Year 3)	£0	Yes	

Other Financial Information

Within existing budgets / self-funding

Stakeholder Considerations and Consultation

Stakeholder consultation will continue as we refine our procedures and information systems.

Public Sector Equality Duty

This report relates to adoption processes which in themselves have no particular equalities implications. Due regard to Public Sector Equality Duty and equalities assessments are taken into account in the context of each scheme.

Climate Emergency – *This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030*

This decision has no impact on the Council's carbon neutral objective as it relates to the long term management of land; the climate change considerations are taken into account in the design of the particular schemes prior to adoption.

List of Background Papers

1. O&S Management Committee on 17 July 2019
2. A final report (Attachment 1) Overview & Scrutiny Committee on 22nd January 2020

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