



WOKINGHAM BOROUGH COUNCIL

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

ADOPTION OF ESTATE INFRASTRUCTURE TASK & FINISH GROUP

UPDATE & PROGRESS REPORT

SEPTEMBER 2023

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ADOPTION OF ESTATE INFRASTRUCTURE

Section 1 - Background

- 1.1 This section offers a slightly updated version of information collected and shared over 2019/20. Refer to Annex A – Adoption of Estate infrastructure task and Finish Group, Report and Recommendations 2020.
- 1.2 As developers build new homes, they are required to build new infrastructure (roads, open space and play areas, etc.) to support the new communities. For example, estate roads are constructed and then linked to the existing highway to enable access to new estates. Each type of infrastructure is controlled by different legal and contractual frameworks and local/national standards. The process for each type of infrastructure is set out below.
- 1.3 The Task and Finish Group was established at the meeting of the Overview and Scrutiny Management Committee on 17 July 2019. This followed feedback provided to Members from residents about a number of delays and frustrations relating to the adoption of new roads and open space. The Task and Finish Group’s recommendations were approved by the Executive May 2020 and summarised below.
- 1.4 The prime objective of the Group was defined as:

“To review existing policies and procedures and develop recommendations for improvement which result in the adoption of high-quality estate infrastructure and positive outcomes for residents across the Borough”.
- 1.5 Since 2020, local and national patterns of infrastructure delivery and adoption have evolved with concurrent investigations occurring elsewhere. As a consequence, officers have explored outcomes locally and elsewhere to review progress and explore opportunities for improvement, Section 4 refers.
- 1.6 Further investigations identified the Local Government Ombudsman (LGO) decision, provided at Annex B. It expands on some of the challenges faced by stakeholders, identifying a raft of shortcomings by all parties. The case explores events associated with a highways agreement where the developer filed for bankruptcy, resulting in complaints by householders. The case captures many of the risks faced by homebuyers and highlights opportunities for service providers to improve systems and processes to protect them.
- 1.7 As recommendations 11 and 12 have been the subject of national efforts¹, and recommendation 10 (recruitment) was not resolved until June '23, this report focuses on progress nationally and locally, exploring how the recommendations have been embraced and or supplement, to inform ways forward.

¹ [Highway Adoption Advice Note](#), Department for Transport (DfT) 2022 & [Freeholders' estate and service charges](#), Parliament, 2023

Adoption of Roads

- 1.8 New roads are adopted under Section 38 (S38) of the Highways Act 1980 (HA80). Under S38 developers enter into a voluntary agreement with the Council which sets out their obligations to construct roads to an agreed standard, maintain the roads for an agreed maintenance period and provide a financial bond to cover the cost of the works in the event that the developer goes bust. Once these obligations are discharged, the Council adopts the road as publicly maintained highway. It must be stressed that the HA80 does not give Councils any power to compel developers to enter into adoption agreements contributing to leasehold patterns explored at a national level (see footnote 1).
- 1.9 The Council aims to adopt new roads serving more than five housing dwellings. Planning approval is required prior to entering into a S38 agreement. The requirement for adoptable road construction details is secured by a planning condition, and or a Section 106 legal agreement.
- 1.10 The S38 Agreement outlines requirements to submit designs for checking, inspections and auditing by an independent road safety team, requiring the payment of fees to ensure that each stage of construction meets the Council's standards. The completion of the S38 Agreement often takes many months to approve and is often advanced concurrently with technical approval, increasing uncertainty.
- 1.11 The developer or appointed consultants prepare and submit plans for approval. As part of the technical approval process, the S38 officer will examine plans and recommend changes to meet Council standards. The Council's fees for design and supervision are often delayed, pending the completion of the S38 Agreement. Technical approval is usually based on information available at the time so designs frequently evolve as surveys and works advance.
- 1.12 To mitigate the risk of default the S38 also requires the developer to put a financial bond in place to cover the completion of the works. It is understood that recent hikes in interest rises have also affected developer's willingness/ability to enter new agreements, perpetuating new risk management patterns.
- 1.13 WBC policy states that drains and sewers must also be adopted by the local Water Authority (usually Thames Water) before or at the same time as the road adoption. Sewers are adopted under S102 or S104 of the Water Industry Act 1991, Explained further below. As Sustainable Drainage Systems (SUDS) form an important and integral part of the highway and open space, some SUDS infrastructure may fall to WBC or the Water Authority, under separate agreements. Consequently, the change in national standards have added some complexity and uncertainty to the design, delivery and adoption process for these features.
- 1.14 Once satisfied that a new road and associated features, including paths and verges, are constructed to an acceptable standard, the Council issues a

Provisional Certificate of Completion which triggers a reduction in the financial bond and initiates the maintenance period (a minimum of 12 months).

- 1.15 Once the Provisional Certificate is issued the developer retains responsibility for maintaining the streets that will become highway, completing remedial works identified by the S38 Officer. Once the maintenance period is completed satisfactorily, a Final Certificate of Completion is issued confirming adoption and the remaining bond value is released.
- 1.16 In line with the Council's Fees and Charges, a commuted sum will be required for any development which is to become adopted as public highway. This is a one-off payment towards the future maintenance of assets. Such sums are set aside to fund maintenance.
- 1.17 The construction of new estate infrastructure may also involve works on the existing highway, for example creating accesses into new developments or works on public highway to mitigate the impact during or after construction. In these cases, developers may enter into a separate Section 278 agreement or a combined S38/S278 agreement. The process for these agreements is similar to that for S38 agreements in terms of technical checks and inspections, the provision of a bond, and payment of commuted sums where necessary. The requirement to undergo a maintenance period before adoption by the Council also applies. However, no S278 works on public highway may commence until the agreement is signed and the necessary Streetworks Licence is applied for and approved.
- 1.18 Some minor highway works may instead be covered by a Minor Works Agreement or licence arrangement, if acceptable to WBC. The maintenance period for Minor Works Agreements is a minimum of 24 months rather than 12.
- 1.19 In the event that a developer does not wish to enter into a Section 38 agreement, the Council secures the completion of an agreement under Section 106 of the Town and Country Planning Act 1990. This obliges the developer to construct the road to a satisfactory standard, pay for the Council to inspect the site and provide for a Management Company to be set up to manage the ongoing maintenance of the estate roads, footways and verges to an agreed maintenance regime once complete.
- 1.20 The Council also operates the Advance Payments Code (APC) under S219-225 of the HA80. The APC applies if the developer requests "building regulation approval" and the plans are passed for the buildings on the development prior to the signing of the S38 agreement for adoption of new roads. Within six weeks of a developer submitting a building regulations application, the Council must serve notice requesting a bond to cover the cost of the new road works if the developer cannot complete the works. This protects property purchasers from incurring costs in such a scenario and applies to sites of more than five units regardless of whether the developer intends to enter into a S38 agreement or not. The obligation to secure the bond is triggered by the commencement of works to the buildings fronted by

the street. Failing to provide a bond at this point constitutes a criminal offence. The completion of a S38 agreement discharges the obligation to secure an APC bond. For roads intended to remain private, the obligation can be discharged under Section 219(4) of the Act once the Council is satisfied that the road has been constructed to the required standard.

- 1.21 The refinement of all legal agreements within the Councils control are subject to frequent monitoring and review responding to good practice and case law. These include:
- Agreement time periods
 - Programme and trigger points
 - Minimum bond values
 - Linking obligations to construction phasing and administrative processes.

Adoption of Drains and Sewers

- 1.22 The Water Act provides enabling powers for developers and water authorities to enter into agreements to adopt drains and sewers at a future date (S104). Like the S38 HA80 Agreement this assumes that the developer submits a design to the water authority for checking, approval and inspection. The process also involves an initial flood risk assessment and takes account of the drainage requirements for the entire site to ensure that local sewerage and surface water drainage systems are considered and not overwhelmed.
- 1.23 Thames Water encourages developers to make a pre-planning enquiry setting out their requirements for foul and surface water infrastructure. On receipt of the enquiry, Thames Water carries out a network capacity check. If there are no concerns, Thames Water confirms the position to the Council as part of the planning process. If there are concerns, Thames Water will confirm this as part of the planning process. Once outline or full planning permission is granted, Thames Water then carries out modelling and designs and implements appropriate reinforcements to the system.
- 1.24 OfWAT, the Water Industry regulator, imposes an obligation on all water authorities to develop plans for future infrastructure, including planned development. Customer charges for ALL existing and future residents are set on this basis. It is only when unplanned development occurs, outside of the Local Plan e.g., at appeal, that the developer is required to pay for accelerated network upgrades. These costs are different to the accelerated infrastructure published in recent years, related to decisions² requiring water authorities to tackle pollution.
- 1.25 Officers previously relayed some of the challenges faced by water authorities, including lack of awareness amongst homebuyers about the adoption of drains and sewers adjacent their property and potential financial risks face.

² [Accelerated Infrastructure Delivery Project](#), OfWAT, 2023

- 1.26 As S102 of the Water Act enables the retrospective approval of drainage design, some developers start building drainage networks before these are technically approved, often going on to build estate roads over the sewer network. Whilst S102 requires surveys of as-built sewers this approach can result in new roads being excavated to repair/modify sewers to the detriment of the estate road infrastructure, adding to challenges for approving and inspecting officers.

Adoption of Open Space and Play Areas

- 1.27 Open spaces within new housing developments are adopted under the terms of an agreement made under S106 of the Town and Country Planning Act 1990. The agreement provides for the construction of Open Space and Play Areas to WBC specification, setting out the procedure for construction and adoption. Each scheme is submitted for approval and constructed in accordance with the approved plans. When complete the developer notifies the Council who in turn inspects to confirm that construction has followed planning approval and meets the obligations of the S106 agreement. If the scheme has not been built in line with planning approval or if remedial work is required, this can delay the adoption process significantly.
- 1.28 Once the Council is satisfied that there are no outstanding issues, an independent safety audit for play areas is required from the developer, and, where necessary, a water safety risk assessment for SUDS within the public open space. SUDS encompass a range of techniques which manage water run-off in order to reduce the quantity and increase the quality of surface water that drains into sewers. Any items flagged up by these audits and assessments then need to be addressed. Changes at national level (Sewers for Adoption 8 ([SfA8](#))) have supported an increase in features that are adoptable by Water authorities, but some do form part of the highway or are transferred to the relevant Town or Parish Council.
- 1.29 Once open space schemes are deemed complete, the commencement of a twelve-month maintenance period begins. During this period the developer remains responsible for maintaining the scheme in accordance with a planning approved Landscape Management Plan and carrying out any necessary remedial work.
- 1.30 At the end of the twelve months the Council inspects again to confirm that the scheme has been adequately maintained and that no further remedial work is needed. A further safety audit is required for play areas at the end of the maintenance period. Once satisfied the Council commences the legal transfer. At this point, a final commuted sum figure for ongoing maintenance is also confirmed. A back-to-back 12-month maintenance phase is standard practice in landscaping contracts.
- 1.31 In order to strengthen the process for adopting open space and play areas, WBC officers follow an Adoption Checklist based on industry best practice. The checklist sets out the different stages of the adoption process and the steps to be taken to monitor progress. The aim is to ensure that, in liaison

with other services, the completed scheme is handed over to the Council with the following agreed features:

- A land transfer map.
- A Maintenance and Management Plan.
- A Health and Safety File (including as-built drawings).
- A Playground Inspection Report (if applicable).
- A commuted sum figure covering a minimum of 20 years.

Adoption of SANG (Suitable Alternative Natural Greenspace)

1.32 SANGs are areas of open space identified for developer-funded enhancement, in order to make them more accessible and attractive for residents to use. The delivery of SANG is intended to mitigate the effect of new housing developments on the Thames Basin Heaths and its protected bird species.

Council Powers and Sanctions

1.33 As outlined above, the adoption process for new estate infrastructure is governed by statute, statutory guidance and legal agreements. Housing development is usually undertaken on private land and as the developers are private organisations, there is no obligation for them to seek that the Council adopt new roads and open spaces. If, for example, a road is not adopted then the Council has no powers to undertake works on the road itself, that obligation falls to the management company or individual property owners.

1.34 The law sets out that it is the responsibility of homebuyers to ensure they take the necessary steps when purchasing and fully understand the risks involved. Many developers devote resources to build trust and ensure good communication channels with existing and potential homeowners. However, there are numerous examples where this does not happen.

1.35 As the adoption process is controlled by legal agreements, the Council has the power to pursue enforcement action when breaches of planning conditions / legal agreements occur. However, this can be a lengthy legal process with a small fine, taking up much vital officer time.

1.36 WBC has also experienced some resource challenges with the approval, inspection and approval of infrastructure. As the legal remedies and administration of processes are challenging, it is usually more effective to work with developers to exert pressure on them to meet their agreed commitments rather than undertaking formal enforcement proceedings. t

Section 2 – Update on Recommendations

2.1 The following records and reports the latest position relative to the Executive Recommendations 1-12:

1. That the Council considers measures to increase public awareness about the adoption of new infrastructure .

The Council has added Frequently Asked Questions ([FAQ](#)) to the Council website which provides local context, in addition to the national [Advice Note](#).

2. That the Council considers measures to improve and expand the current interactive maps on its website.

The Council agreed to improve and expand access to information relating to the adoption of highways, where highway [searches](#) are available via the WBC website. Again, this provides a greater level of access available from Local Government Association: [FindMyStreet](#).

3. The Council considered 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.

The aspiration to provide briefings for Town and Parish Councils is a laudable aim. WBC recognises the excellent work that Parish and Town Councils do, acting as a communication conduit to the communities they serve, so it is reluctant to share incorrect information that might compromise credibility.

Ideally, WBC would provide these councils with the latest information on a monthly or even weekly basis. The design of new streets responds to a myriad of factors, responding to surveys, excavations and approvals by a range of authorities (including police and statutory undertakers et. al.), indeed many are implemented without approval. WBC are constantly working with developers, their agents and contractors to deliver the best possible arrangements for all parties and are called upon to apply a balanced approach retrospectively approving works or where necessary requiring construction works to be excavated and rebuilt. Appraising Parish/Town Councils on such matters and/or attempting to influence design changes to support local aspirations therefore prove impractical and/or would require additional resources for all parties.

As S38 Agreements are voluntary, officers have explored a series of steps with a sample group of developers which are being established to help inform operating procedures as follows:

- a. Planning Conditions are imposed on major developments to provide a Construction Environmental Management Plan (CEMP).
- b. At the application stage the CEMP outlines construction activities, such as construction hours and HGV routes.
- c. Prior to implementation the main contractor is required to update the CEMP expanding on development phasing and construction sequences, where appropriate explaining temporary access

constraints which might be subject to Traffic Regulation Orders or Streetworks licences.

- d. For strategic developments it is envisaged the CEMP will incorporate a communication strategy, to help share key activities.
- e. Officers aim to supplement these plans by providing CEMP guidance to set realistic expectations.

As schemes like '[Considerate Constructors](#)' have become common place across the UK, they generally support more informed communities and therefore enhanced (security) through natural surveillance, Officers expect to see further improvements.

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.

Response 3 (above) explains powers used to improve arrangements, expanded further below.

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.

Resources are limited and WBC is currently considering a range of options to reduce costs and drive efficiencies across Council services.

WBC is using the planning and Building Regulation process to identify the developer's intent to start works, as this signifies the start of the six-week period associated with an APC. By notifying the H&T service can reduce the risk of S38 Agreements remaining unsigned, capturing fees and bond requirements.

Officers are working with developers to adopt a consistent approach to minimise risks, identified at a national level, associated with S38 Agreements, explored further in Section 5 below.

Section 2 outlines the S38 and related delivery Agreements and processes highlighting issues that influenced infrastructure delivery and developer approaches. For many, they actively advance S38 Agreements, but if costs and delays accumulate, they may elect to establish management companies to deliver future maintenance. In such circumstances the Council risks failing to serve an APC and may not recover fees as the S38 agreement remains incomplete.

6. That the Council reviews the process for developing and agreeing S106 agreements relating to the adoption of open space, specifically to:

- 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.**

The Council produced various Supplementary Planning Documents ([SPD](#)) including Play Space Design used across developments to ensure appropriate open space and play equipment provision is delivered. All obligations must pass legal tests as such penalties cannot be imposed. However, officers have applied bespoke approaches to S106 Agreements aligning delivery triggers relative with phases, both dwelling numbers and parcels to minimise access issues due to construction.

S106 Agreements include detailed specifications for play equipment and open space, including appropriate tree planting and landscaping. Agreements include commuted sums for maintenance. The specification for the agreed landscape strategy includes arrangements for extended maintenance when planting 'fails'.

7. That Officers consider potential improvements to secure earlier engagement from Highways at the initial planning or pre-application stages of the process.

Officers have explored a series of steps with a sample group of developers which has established the following operating procedures expanded in Section 4 & 5 below:

- a. In line with best practice, WBC uses planning performance agreements (PPAs), but developers are not obliged to use the service. PPAs attract pre-application fees, captured by the planning service. The Highways & Transport (H&T) service do contribute to PPAs, but unlike two-tier authorities it does not capture separate pre-application fees for highway advice.
- b. Planning obligations (conditions/S106) routinely include obligations to help inform how infrastructure is delivered, through construction delivery and maintenance periods to adoption.

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.

The Council has created a [strategy](#), around which extended maintenance regimes are imposed for up to 5 years.

Officers are currently collaborating to update highway guidance to ensure that the right trees are planted in the right places to support growth and long-term retention and maintenance.

9. That the residents and Town and Parish Councils who responded to the Call for Evidence receive feedback and responses to the issues raised.

Response 3-5 (above) explains powers used to improve arrangements, expanded further in Section 3 below.

10. That the Council considers measures to ensure the recruitment and retention of key staff working on the adoption process, with appropriate succession planning.

The Council has had several vacant posts, some filled on a temporary contract basis even before 2020. In June'23 the new Highway Development Manager joined, quickly reviewing recruitment and retention options for the team.

In conjunction with the Annual Performance Review of staff he has explored succession plan across the team, including the recruitment of a vacant post. With other leads across the H&T service, he is exploring options for apprenticeships to meet future needs.

Taking account of wider financial constraints, identified in response to recommendation 5 above, succession plans are likely to present further challenges.

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.

Due to staff retention and recruitment this has not occurred. This report, brings members up to date and outlines on-going efforts to deliver service improvements, expanded in Section 3 below.

12. That an annual update on the adoption process be submitted to the Overview and Scrutiny Management Committee.

Due to staff retention and recruitment this has not occurred. This report, brings members up to date and outlines on-going efforts to deliver service improvements, expanded in Section 3 below.

Section 3 - Opportunities for Improvement

- 3.1 Planning consents are not issued until any S106 Agreement is signed. Open space and play equipment infrastructure normally forms part of the S106 Agreement thus such infrastructure is susceptible to other risks. SUDS features that may/may not form part of a S102/104 Agreement contribute to infrastructure delivery and future maintenance risks, mainly around the timely delivery to meet the agreed specification and/or commuted maintenance for areas that might change.
- 3.2 As WBC has supported SUDS features (such as swales) many developments have advanced under local policies/standards. As SfA8 was not adopted until 2018, very few developments have advanced with the expectation that SUDS

features will be adopted by Thames Water. Consequently, WBC officers are endeavouring to work with Thames Water to address risk management measures.

- 3.3 It is common that developers begin construction, based on the submission of information/drawings demonstrating an intent to enter into S38 Agreements to deliver infrastructure for adoption.
- 3.4 Like the LGO case (Annex B refers), there is no reason to doubt that the Agreement will be completed and thus the infrastructure will be offered and become adopted by the Council. However, if the agreement is not signed that leaves the Council and potential future residents at risk.
- 3.5 WBC is not alone, similar issues have arisen across the country, many translating to investigations by a range of officials noted/appended to this report. Over recent decades these issues have evolved, responding to varying levels of demand, punctuated when house-building rates are high, capacity of skilled resources contribute to delays and less appropriate responses are adopted to meet demand.
- 3.6 The LGO decision is possibly the most informative evidence, as it explores potential shortcomings by all parties. Alongside other investigations it might be reasonable to suggest the following actions could be taken and reported to residents through the Council's website:
 - Planning authorities should impose and enforce the discharge of pre-commencement planning conditions.
 - District/Borough councils should notify the Highway Authority of the discharge of Planning Conditions and/or Building Regulations, to enable them to serve an APC notice on developers within the time constraint of the law.
 - Highway Authorities should serve an APC, whether or not the developer plans to enter into a S38 Agreement, along with requests of fees and bonds.
 - Authorities should take reasonable endeavours to expedite the drafting of legal agreements.
 - Highway Authorities should set expectations requiring the developer to sign the S38 Agreement before reasonable development triggers and normally before first occupation.
 - (Potential) homeowners should apply reasonable due diligence when selecting a mortgage and professional services from a solicitor.
 - Solicitors completing searches for (potential) buyers should verify access rights to the property. Where this forms part of a housing development they should enquire as to the status of (proposed) highway and should not complete purchase until a S38 Agreement is in place and signed.
 - Councils should support solicitors completing searches, expanding responses to ensure they report the status of (proposed) highway access arrangements as above.
 - Mortgage providers are obliged to offer mortgages on affordability. Part of the approval process for the completion of a sale should be based on the dwelling gaining access via:
 - an (existing) adopted highway.

- an access that is subject to a S38 Agreement thereby offering confidence that the streets should be adopted as highway.
- an access to a private street that is subject to an APC, ensuring that any maintenance costs are incorporated into the affordability test.
- an access to a private street that is subject to a leasehold agreement, where communal areas are managed and maintained (typically by a management company) whose annual maintenance charges are incorporated into the affordability test.
- In the event that future residents (and mortgagors where appropriate) decide to proceed, that a surety (monies) is withheld pending until appropriate arrangements are in place.

3.7 Whilst H&T officers hope to implement several changes by the end of the year, there are some resource capacity constraints, so progress has been and may continue to remain slow. As far as reasonably practical, H&T will:

- Monitor development commencement and record start dates,
- Set up processes to ensure that APC notices and fees are issued to developers within six weeks of commencement. To achieve this, the service is advancing the recruitment of a vacant post.
- Influence administrative process so that legal searches report highway/access status outlined in 3.6 above.
- Review financial administration procedures to ensure commuted maintenance is 'ring-fenced' to development infrastructure and thus improving monitoring of item rates.
- Produce guidance for CEMPs to ensure the environmental, social and communication benefits are delivered through appropriate planning conditions. Amongst other things, WBC hope to improve lines of communication with Parish and Town Councils and, through CEMP communication strategies, work towards mutual benefits.

3.8 H&T have also observed some complaint patterns within developments where parking is constrained and some homes generate greater demand than others, contributing to localised issues such as the use of visitor spaces for householder parking. Officers have therefore begun:

- To recommend planning conditions, requiring a Parking Management Plans, even when streets are to be adopted. The purpose of such a condition is to ensure parking controls can be implemented during the maintenance period thereby preventing dangerous or inappropriate parking and thereby influence habits of new residents. It is envisaged that in the short-term this will reduce the need for new (adopted) highways to introduce parking controls and in the long-term enhance design quality.
- Are updating evidence, using the 2021 Census, to inform revised parking standards. This is likely to introduce requirements for LGV/van parking within estates, bespoke options for size/scales of development and/or location/accessibility.
- Are updating highway design guidance/standards to improve design quality relative to national standards/guidance and local experience and surveys.

- 3.9 If the H&T service can garner support from external partners and other service areas it is hoped that the following could enable the delivery of better financial and administrative procedures that will, in-turn, support the recruitment of additional resources and improve, services and delivery.
- Working with internal (WBC) partner service providers:
 - Explore the potential for pre-application charges to be added to PPAs to support early input into masterplan design decisions.
 - To optimise development density, landscape strategies often rely on planting within the highway, some of which is precluded under the Highways Act 1980. Officers are currently reviewing current legislation, policies and standards with the intent that guidance/standards can be updated to improve design quality and delivery, offering additional clarity between areas that are likely to fall into different adoption areas.
 - Continue planning/building control officers to proactively provide the required information for highway officers when developments commence construction.
 - As part of a review of Legal Agreements Performers:
 - review opportunities to improve uniformity, simplify clauses (to reduce time negotiating content) and take account of most known issues and options.
 - By serving APC notices the Council can ensure that checking and inspection fees are in place to better ensure works are delivered to standard and motivated to incur lower checking and inspection fees (through S38 Agreements, compared to an APC) the average time to complete Agreements can be reduced.
 - To align with updates on SUDS, review policies, standards and guidance for drainage, approach to maintenance (adopting authorities) and commuted sums.
- 3.10 As the Council's website has recently been updated, it is envisaged that early progress on the above will support the publication of additional FAQs to help house-buyers understand risks and sister service partners improve the quality of their services, identified at 3.6 above.
- 3.11 Taken together these actions will improve Council performance and improve customer satisfaction. It will be necessary to monitor and review progress and, in time, review maintenance costs to ensure commuted sums are appropriate.

Section 4 – Conclusions and Next Steps

- 4.1 In line with the Council's Constitution, the Council's Executive endorsed the recommendations of the Oversight & Scrutiny Management Committee. This report outlines changes that have occurred and how processes have evolved, responding to local and national programmes. We recognise that delays have occurred but hope that the report will help to demonstrate the value of the Scrutiny process in providing a voice for local communities.
- 4.2 Subtle changes to infrastructure delivery, adoption and approval processes mean that new risks arise. The actions outlined in 3.6 – 3.11 identify how H&T and other WBC services can improve internal processes. With complementary efforts by sister service providers these will support improvements in Council performance and customer satisfaction.

**ADOPTION OF ESTATE INFRASTRUCTURE
TASK & FINISH GROUP**

REPORT AND RECOMMENDATIONS JANUARY 2020

Local Government Ombudsman

Investigation into Teinbridge District & Devon County Councils