

Buckinghamshire County Council (BCC) Independent Review of BCC Development Management Processes and Procedures

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Contact information

Requests for further information concerning this submission should be addressed to:

Contact	Jon Noble
Position	Principal Transportation Planner
Address	Parsons Brinckerhoff Ltd 6 Devonshire Square London EC2M 4YE
Email	jon.noble@pbworld.com
Phone	44-(0)207-337-1743 (direct) 44-(0)7776-465-399 (mobile)

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1 Introduction

- 1.1.1 WSP Parsons Brinckerhoff was commissioned to review highways development management processes at Buckinghamshire County Council (BCC) and provide external advice on the levels of assurance that are currently in place in terms of policies, procedures and practices to conduct effective development management. The original scope aimed to assess how BCC handles such schemes, confirm existing good practice, and recommend where and how current practice could be improved.
- 1.1.2 BCC is currently undergoing organisational change, as of April 1st 2015 highways development management (DM) responsibility moved from 'Place' to 'Transport, Economy and Environment' (TEE) as part of the Council's 'Future Shape' transformation programme. More pertinently for the highways DM service, it has moved from being sat as a team within the former 'Planning Advisory and Compliance' (PACS) service, to standing as a delivery unit in its own right within the Environment Service. This process has created new roles within the team, some of which are yet to be filled.
- 1.1.3 Following inception, the review process began with a background document review of existing procedural documents provided to the team by BCC. This included several case studies which have been used as part of the process; however the review is not an 'audit' or 'inquiry' into any one specific scheme. The review team visited BCC on multiple occasions to meet with members of the TEE team as well as developers and councillors, with a full list of consultees shown below. This process helped the team to confirm existing practice and mutually identify potential areas where current practice could be improved.
- 1.1.4 The report itself provides a summary of the current processes and procedures, and the reviewer's opinion on how well these reflect best practice and relevant guidance. Included is a comparison of BCC's publically available developer guidance with that of other local authorities, as well as examples of model internal documentation, organisational structure and process flow charts. Throughout, clear recommendations on areas where current practice could be improved and how this might be achieved are included, with this information also summarised in a table at the end of the report.
- 1.1.5 A traffic light system has been used to recognise areas of good practice observed and help to categorise the importance of recommendations made. Green highlights areas of good practice. Amber shows where action is required, whilst red highlights areas to be addressed promptly to ensure effective highways development management.

1.2 List of consultees:

Christine Urry	Acting Head of Highways Development Management
Graham Smith	Transport Co-ordinator
Steve Essam	Transport Co-ordinator
Ian Sharp	Development Management Inspector
Darryl Bonsor	Development Management Inspector
Melanie Cawkell	Senior Development Planning Officer
Del Tester	Senior Development Planning Officer
Robin Stuchbury	County Councillor
Warren Whyte	County Councillor

2 Comparison to other local authorities

2.1 Introduction

- 2.1.1 The review team have looked at systems and processes in place at other local authorities to understand their different approaches to development management. Authorities close to Buckinghamshire and those of a similar size were chosen as they are likely to be subject to similar types and numbers of applications.
- 2.1.2 The review team is able to show where BCC is performing better than similar local authorities, as well as where there is room for improvement. Importantly, the review team can also be confident that resulting recommendations are in line with the strategies and procedures of other organisations.

Local authorities reviewed

- Bedford Borough Council
- Buckinghamshire County Council
- Cambridgeshire County Council
- Essex County Council
- Hertfordshire County Council
- Northamptonshire County Council
- Oxfordshire County Council
- Suffolk County Council
- Surrey County Council

2.2 Publicly available Developer Guidance

Survey background

- 2.2.1 The review team adopted the role of a potential developer in different regions, assessing what information is available publically, and easily sourceable, on each Local Authority's website.
- 2.2.2 Through the use of keyword internet searches as well as search functions within individual websites the team assessed the structure of the information, as well as the types and quality of the guidance available. Of particular interest is information relating to section 106, 38 and 278 agreements, planning applications, development management process, developer guidance and highway design guides. For comparison purposes BCC's website has been assessed in exactly the same way.
- 2.2.3 Section 106 agreements relate to money paid by developers to Local Planning Authorities to offset any external effects of developments. Under section 38 agreements, a local highway authority can enter into a legal agreement with a developer to adopt a highway. Section 278 agreements are used where a development requires work to be carried out on the existing adopted highway.

Survey output

- 2.2.4 Table 1 shows the results of the survey. It is important to point out that this review is not exhaustive, representing information firstly available publically and secondly that was sourced during the review. Any guidance only sent out privately following initial contact with a developer would not be reflected in the results.
- 2.2.5 Figure 1 brings together examples of good practice from across the survey of local authorities to create perhaps an ideal set of external documents, and their interaction. There are four critical documents, as shown down the centre of figure 1:
- **Local Transport Plan:** outlining future transport strategy

- **Development Management policy:** a strategic position on desirable characteristics for future developments
- **Guide to infrastructure contributions:** information on section 38, 278, 106 processes, alongside details on fees and commuted sums
- **Design/construction guides:** standalone or supplementary standards, codes or guidance relating to design and implementation

Alongside this there are other important groups of documents:

- **Overarching strategy:** Regional and national strategies on larger scale than development management, perhaps county wide plans or community programs. It is important that all other policy documents align with these.
- **Appraisals:** Examples include sustainability, equality and biodiversity appraisals. Each document produced (particularly strategic level documents) should be appraised against these to ensure they are embedded in policy.

Local authority comparison

Authority	Strategic		Application Guidance				Design Guidance						Appraisal			
	Sustainable Communities Strategy	Local Transport Plan	Development Management Policies	Infrastructure Contributions guidance (S106/CIL)	Information on Section 38/278 Highway Works	Committed Sums Protocol	Pre-application process	Design Guide	Materials Guide	Development Construction Manual	Parking Standards	Rural Diversification	Travel Plan Guidance	Sustainability Appraisal	Equality Analysis	Biodiversity Action Plan
Bedford Borough Council	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓		
Buckinghamshire CC (with received)	✓	✓	✓	(✓)	(✓)					✓		✓	✓			✓
Cambridgeshire CC		✓	✓		✓	✓	✓	✓	✓	✓		✓	✓	✓		
Essex CC		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓			
Hertfordshire CC		✓	✓	✓	✓			✓			✓	✓	✓	✓		✓
Northamptonshire CC	✓	✓	✓	✓	✓		✓	✓				✓	✓	✓		
Oxfordshire CC		✓	✓	✓	✓		✓	✓	✓	✓		✓	✓			✓
Suffolk CC	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Surrey CC		✓	✓	✓		✓	✓	✓			✓	✓	✓			✓

Table 1 – Development Management information sourced publically. Those in brackets were given to the review team but not found on the website.

Publically available DM guidance

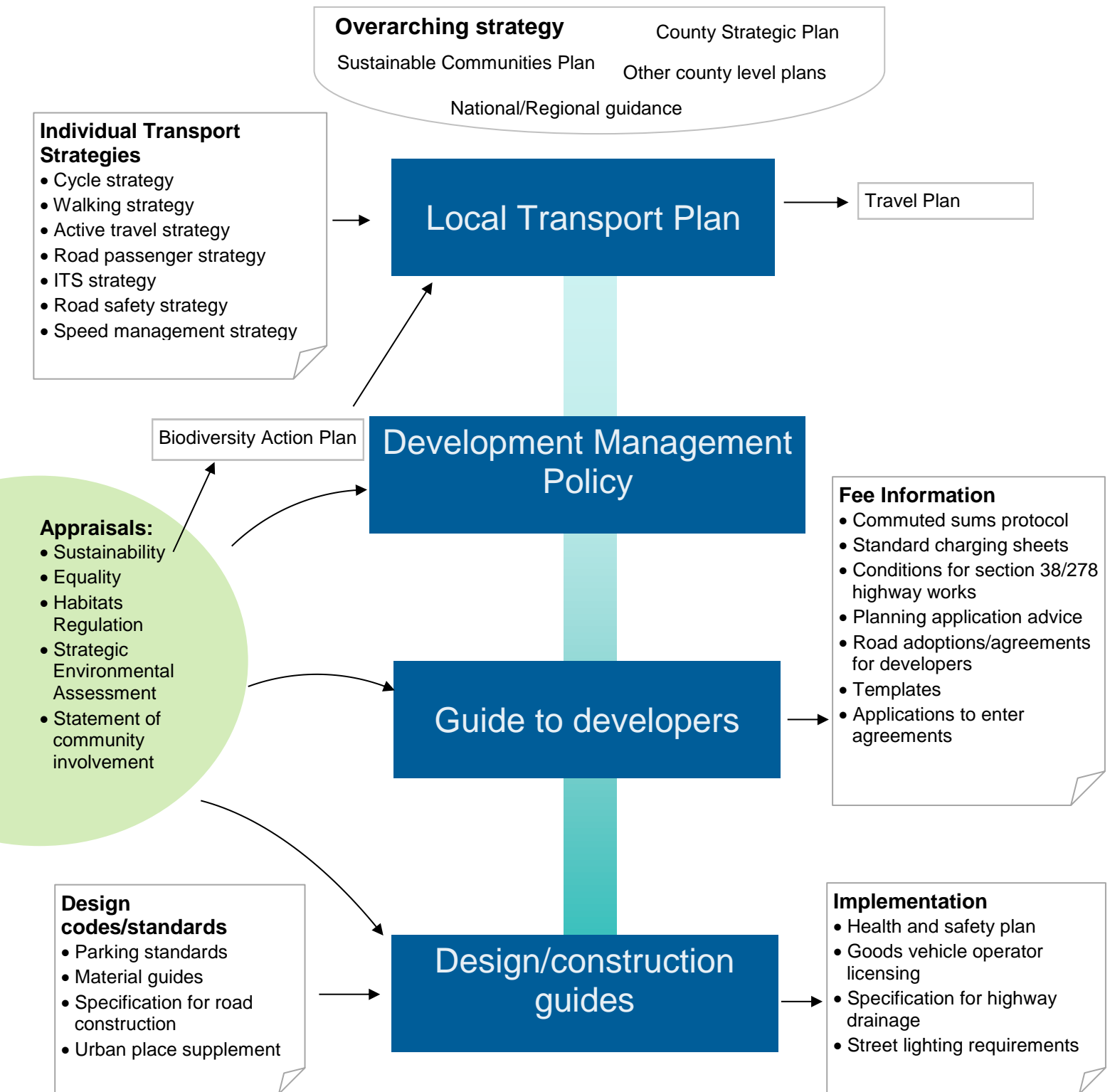


Figure 1: Best practice example of publically available documents and their relationships

3 Publically available developer guidance analysis

- 3.1.1 The investigation highlighted the variety in the levels and types of guidance Local Authorities offer publically to developers.

3.2 Focus on Buckinghamshire

Layout and organisation

- 3.2.1 BCC's website contains the least publically available guidance of any of the surveyed authorities, and was difficult to use. BCC has many key documents in place however as an external developer these are challenging to find through the BCC website.
- 3.2.2 The most informative page on development management is titled 'Development Control', found amongst details on fly posting, abnormal loads and roundabout sponsorship in the highways and pavements section of the website. The Development Control page outlines BCC's responsibility as highway authority and gives the development management contact email address, however offers no links to any further relevant documents. This appears to add an unnecessary step requiring action from both sides in order for basic development information to be obtained. This also adds a risk that developers may proceed with out of date information, potentially adding to demands on BCC officer time.
- 3.2.3 Much of the information that was found came through stand alone internet searches, with very few click-through links found within the BCC website. Equally, within the documents that were found there were very few references to other documents, making it hard to establish a coherent strategic approach to development control.
- 3.2.4 BCC would benefit from one, central page focussed entirely on information for developers. Perhaps this could be located under a new 'TEE' page, as opposed to the current position within transport and roads. This should become a central hub bringing together into one place all relevant documents, application forms, contacts and guidance notes.

Content and quality

- 3.2.5 There are clear gaps in the publically available guidance on the BCC website, focussed around application and design guidance.
- 3.2.6 When searching for the four key documents identified in figure 1, the team found an excellent local transport plan, appraised for sustainability. On a strategic level, whilst the Buckinghamshire County Council Strategic Plan does include a planning and transportation portfolio plan, its focus is not on development management. Crucially, there appears to very little information publically available to potential developers outlining development processes, or how to submit applications for section 38 and 278 agreements. Developers are referred to national guidance such as the Manual for Streets regarding design and construction.
- 3.2.7 When documents received separately from BCC are considered, the picture looks healthier. These are shown in brackets in Table 1. The team has seen detailed guide notes alongside application forms and template agreements for section 38, 278, 184 and 106 agreements. The review team is aware that some of these documents, plus others, forms a communications pack released to developers following initial contact.
- 3.2.8 It is recommended that these documents plus the information pack are immediately made available publically through the BCC website. This will lighten some workload from the DM team, whilst also bringing BCC into line with other local authorities in the region.

3.3 Focus on good practice elsewhere

Layout and organisation

- 3.3.1 Essex County Council is one of a number of the surveyed local authorities providing examples of good practice, with documents covering a full range of planning issues logically stored and organised online. The page 'Information for Developers', contained within the Environment and Planning section of the site, provides a central, searchable entry point to the site for developers.
- 3.3.2 This page links to 'Developer Documentation', bringing together documents relating to accessibility, parking, travel plans, development management policies and design standards, and 'Adoptions and Land', a page containing detailed design guidance and highway adoption information. With everything in one place and dated, a developer can very quickly find all the information needed without the need to contact anyone, and be confident it is the very latest guidance.

Content and quality

- 3.3.3 As part of Essex County Council's publically available resources is a document named 'Development Management Policies'¹. This is amongst the best documents sourced during the survey, containing twenty two clear and organised development management policies which set out criteria upon which developments will be judged. The Council can use these policies as justification when awarding permission or issuing a refusal, offering little room for argument from the developer's side. Cross referencing within the document is strong; developers are referred forward to other key documents such as the Essex Design Guide and Parking Standards Design. For a developer this helps with navigation and gives the feeling of a well organised, coherent process.
- 3.3.4 All of the surveyed local authorities have publically available local transport plans, with many of these appraised for their sustainability, habitat preservation, equality or other criteria. In theory this will feed through into the development process via the LTP, however Bedford Borough Council have taken a further step by putting their development strategic documents through the same appraisal process, thus ensuring sustainability, equality and any other relevant appraisals become embedded within the planning process.
- 3.3.5 It is recommended BCC develop a strategic document outlining forward development management policy, as part of a network of cross referenced publically available guidance. This document should undergo an appraisal process similar to the LTP, or could even be included as part of the next LTP for Buckinghamshire, due for release in March 2016.
- 3.3.6 Whilst some authorities, including BCC, appear to point developers towards national guidance relating to design and construction, many other surveyed local authorities have produced stand alone or supplementary local guidance. The Essex Design Guide is a good example, offering detailed design guidance for developments in the county². Urban place and street materials supplements give even more guidance to developers. This offers a local authority the chance to reflect local issues in design/construction guidance, such as preserving local character or area specific safety requirements. Full control is gained of the layout, appearance, materials and construction standard of all developments in the region.
- 3.3.7 An excellent example of local level guidance is the Highway Protocol for Conservation Areas document, giving guidance on highway related works in conservation areas. This represents a formal agreement between BCC and Aylesbury Vale District Council, a model which could be used again as further guidance is produced. However, this document could not be sourced through the BCC website.
- 3.3.8 It is recommended BCC produce supplementary or standalone design, construction and/or materials guides for development work in the county (see future sections)

¹ <http://www.essex.gov.uk/Environment%20Planning/Planning/Transport-planning/Information-for-developers/Documents/Development%20Management%20Policies%20Feb%202011.pdf>

² http://www.essex.gov.uk/Environment%20Planning/Planning/Transport-planning/Information-for-developers/Documents/19715_essexdesignguide.pdf

4 Internal development management documents

- 4.1.1 The processes by which a local authority receives, processes and tracks development applications will influence a developer's experience with the authority, whilst also defining the efficiency and accountability of the highways development management team. Figure 2 presents a set of grouped internal documents a model local authority will use on a daily basis, from first contact with a developer through to archiving of plans.
- 4.1.2 The review team have seen internal documents including template application forms and instructions relating to section 38, 278, 184 and 106 agreements, as well as communications strategy, development control crib sheets, approval, adoption and pre-start meeting checklists and a section 184 process flowchart.
- 4.1.3 However it is clear internal processes are not always clearly set out, which is hampering efficiency within an overstretched team and lowering the level of service offered to developers. A clear set of internal documents and processes offers greater opportunities in efficiency of process as well as maintaining a coherent output.

Tracking applications and agreements

- 4.1.4 One area that offers clear room for improvement is in the life-cycle tracking of planning applications and section 106/38/278/184 agreements, which was a common concern raised with the review team. One way in which this currently manifests itself is a lack of accountability for incoming developer fees on a scheme by scheme basis, something that presents significant risk to BCC. Secondly the review team heard how section 106 developer contribution payment milestones and associated revenue have been missed in recent years, attributed to a lack of personnel. It should be noted that responsibility for S106 monitoring has since been taken up by the 'Growth and Strategy' team. It is thought a central point of reference could solve these issues.
- 4.1.5 A central tracking spreadsheet, database or other alternative would form a central point of reference internally, and could be used to quickly answer queries from the public, councillors and other BCC staff about the status of different applications. The review team is aware of the inquiry undertaken by BCC's Environment, Transport and Localities (ELT) committee, which appears to support these findings. This could take a number of forms and be made to be user friendly. Uniform may be the solution, although other options should be considered and compared.
- 4.1.6 Benefits would include ensuring revenue is collected promptly and creating a clear picture of schemes in progress and their positioning along the process. This would also help avoid the current situation where in the event of departure of senior staff, or even a period of illness, it would be difficult for someone to provide even basic information on the status of different applications.
- 4.1.7 This ties into issues highlighted around communication relating to both TfB and local planning authorities. TfB have noted a monthly outline of forward workload from BCC would be of great use, whilst BCC have complained that local district councils are not forwarding applications immediately, or even letting BCC know that they have been received at all. Subsequent delays in advice to applicants therefore arise with applications potentially 'falling through the cracks' in the two-tier system leading to a poor customer journey for developers. Integrating TfB and district councils into the tracking process offers mutual benefit. With the district councils involved, BCC will gain early notification of upcoming work and can then plan forward workloads accordingly, and pass these to TfB. District councils will be able to track applications and respond to public enquiries, whilst for the developer this should make for a smoother, more efficient process.
- 4.1.8 It is recommended that central spreadsheet databases (or similar) are introduced to track planning applications and highways agreements from first contact through to archiving of plans. Ideally, these should be collaborative, including input from district councils as well as TfB, or provide links to other databases.

Standard drawings

4.1.9 Figure 2 includes a list of standard drawings which, to the review team's knowledge, highways DM does not currently have in place. A standard approach to the design of key highway features will save valuable time during the technical approval stage and lessen the number of elements to be assessed on a case by case basis. Further down the line, this also offers time and cost benefits in construction and maintenance.

4.1.10 It is recommended to produce standard drawings for common highway features. This process could align with the earlier recommendation to produce a county level design guide.

Process flow charts

4.1.11 Development management is built on process. Whilst each scheme will bring about its own challenges, general steps will be repeated again and again, development after development. The current set up is certainly functional, however by better defining the process it can begin to become streamlined; bringing benefits of accountability, consistency of response and a faster turnaround time. Concurrently this makes the process more transparent and transferrable, helping to shift the wealth of knowledge and expertise in senior staff into a standardised approach, and allowing deployment of experienced officer resource in a more tactical way for service benefit.

4.1.12 The benefits are best illustrated using an example. In a case study seen by the reviewers, BCC awarded construction approval in stages, before full technical approval had been given. Whilst this certainly wasn't desirable for BCC, having a process flow diagram in place for a section 38 or 278 agreement would make this explicit. The team can understand why this happened in the case study, as the hold up in receiving pieces of technical approval from TfB meant it became impractical to delay the developer any further. Other recommendations in this report will tackle the problem of slow technical checks, but a visible and clearly defined process flows will ensure that in the future important process steps are followed robustly, lowering the risks for BCC.

4.1.13 Figures 3-6 show examples of model process flow charts for dealing with planning applications and section 106/38/278 agreements. At each stage key documents and involvements are listed. Reference to these diagrams will ensure relevant groups of people are kept in the loop where necessary. Highway DM would become a beneficiary of this themselves, as they are sometimes accidentally excluded from important correspondence. A meeting could be set up to establish the points at which each different stakeholder would like to be consulted, given that the scale and nature of the project in question would require their involvement.

4.1.14 It is recommended that Figures 3-6 should be used to form the basis of a clearly defined process outlining how BCC will conduct highways development management.

Other key documents

4.1.15 Some other documents which could quickly provide efficiency, consistency and transparency across the development management process include:

- **Infrastructure needs identified for section 106** – a live record of desirable improvements which could potentially be funded through 106 or CIL funding, which can be matched as developers come forward in the same areas.
- **Refusal/acceptance templates** – provides a consistent approach to communication of decisions. As mentioned before these could reference a development management strategic policy document.
- **Email/post handling guidance** – vital in organisation, record keeping and accountability, as well as keeping relevant parties in the loop.
- **Fee structure and information** – the team recognise this is currently under review within BCC. Important to have clearly defined structure to fee calculation. Some local authorities surveyed release calculation information for their commuted sums, providing a totally transparent system.
- **Guidance for technical approvals** – could include guidance for assessing transport forecasts, transport assessments and approval of structures. Promotes a consistent approach, and clear grounds for refusing approval.

4.1.16 It is recommended that BCC review the current portfolio of internal documents, and strongly consider the benefits of implementing some or all of those additional documents highlighted in figure 2 in leading a consistent, clearly defined and streamlined process.

Internal Documents

Planning

- ⇒ Standard conditions
- ⇒ Refusal template
- ⇒ Acceptance template

Section 106 Agreements

- ⇒ S106 agreement template
- ⇒ Standard heads of terms
- ⇒ S106 process flow chart
- ⇒ Infrastructure needs identified for S106
- ⇒ Central S106 tracker spreadsheet/database
- ⇒ S106 negotiation tracker
- ⇒ Protocol for management of S106 planning obligations
- ⇒ S106 developer contributions spending

Section 38 Agreements

- ⇒ S38 agreement template
- ⇒ S38 process flowchart
- ⇒ S38 tracker
- ⇒ S38 agreement checklist
- ⇒ S38 bond calculation sheet
- ⇒ Table of commuted sums
- ⇒ Explanation of how commuted sums are calculated

Section 278 Agreements

- ⇒ S278 agreement template
- ⇒ S278 process flowchart
- ⇒ S278 tracker
- ⇒ Criteria for abridged S278
- ⇒ S278 agreement checklist
- ⇒ S278 bond calculation sheet
- ⇒ Table of commuted sums
- ⇒ Explanation of how commuted sums are calculated
- ⇒ Planning and adoption processes (eg street lighting)

DM Policy

- ⇒ Process flow charts
 - ⇒ S38, S106, S278, minor S278
 - ⇒ Planning application response
- ⇒ Email/post handling guidance
- ⇒ Acceptance/refusal templates
- ⇒ Standard conditions
- ⇒ Land Compensation Act information and guidance

Technical Approval

- ⇒ Standard drawings
- ⇒ Traffic forecasting guidance
- ⇒ Procedure for approval of structures
- ⇒ Access visibility guidance
- ⇒ Visibility splays
- ⇒ Transport Assessment guidance
- ⇒ County level design guides
- ⇒ Manual for Streets in BCC

DM Standard drawings

- ⇒ Domestic Access
- ⇒ Industrial and farm access
- ⇒ Ramp details
- ⇒ Standard turning head
- ⇒ Standard passing bay
- ⇒ Footway construction types

Finance

- ⇒ Income processing guidance
- ⇒ S106 developer contributions spending

Figure 2 – Best practice example of internal documents

5 Summary of BCC internal and external development management documentation

External developer guidance documentation			
Document	Present	Quality	Priority
Sustainable Communities Strategy	●	●	
Local Transport Plan	●	●	
Development Management Policies	●	●	✓
Infrastructure Contributions guidance (S106/CIL)	●	●	
Information on Section 38/278 Highway Works	●	●	✓
Commuted Sums Protocol	●		✓
Pre-application process information	●		
Design Guide	●		✓
Materials Guide	●		✓
Development Construction Manual	●		
Parking Standards	●	●	✓
Rural Diversification	●		
Travel Plan Guidance	●	●	
Sustainability Appraisal	●	●	
Equality Analysis	●		
Biodiversity Action Plan	●	●	
Standard Drawings	●		✓
Internal development management documentation			
Document	Present	Quality	Priority
Standard Conditions	●		✓
Acceptance and refusal templates	●		
S38/278/106 agreement templates	●	●	
S38/278/106 instructions	●	●	
S38/278/106 process flow charts	●		✓
S38/278/106 central tracking databases	●		✓
S38/278 bond calculation sheets	●		✓
Criteria for abridged S278/S184	●		
Fee structure information (inc. commuted sums)	●		✓
S106 developer contributions spending & negotiation tracker	●		
Infrastructure needs identified for S106	●		
Guidance/checklist for technical approval	●		✓
Planning and adoption checklist	●	●	
Email/post handling guidance	●		
Income processing guidance	●		✓

Key	Present	Quality
●	Present	No improvement needed
●		Some improvement needed
●	Not present	Significant improvement needed

Table 2 – Summary of current availability of key internal and external DM documents

PLANNING APPLICATIONS

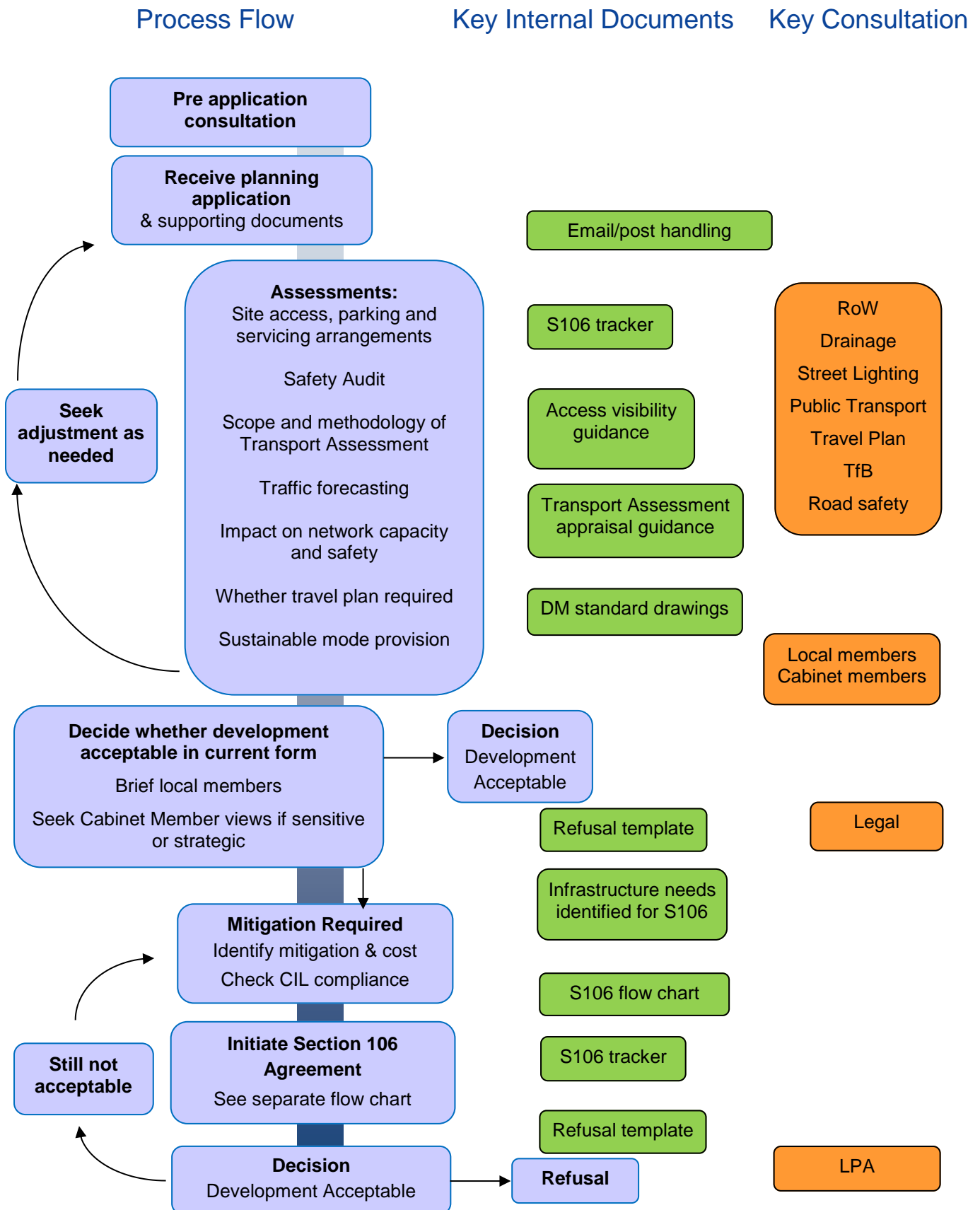


Figure 3: Process Flow chart for incoming planning application

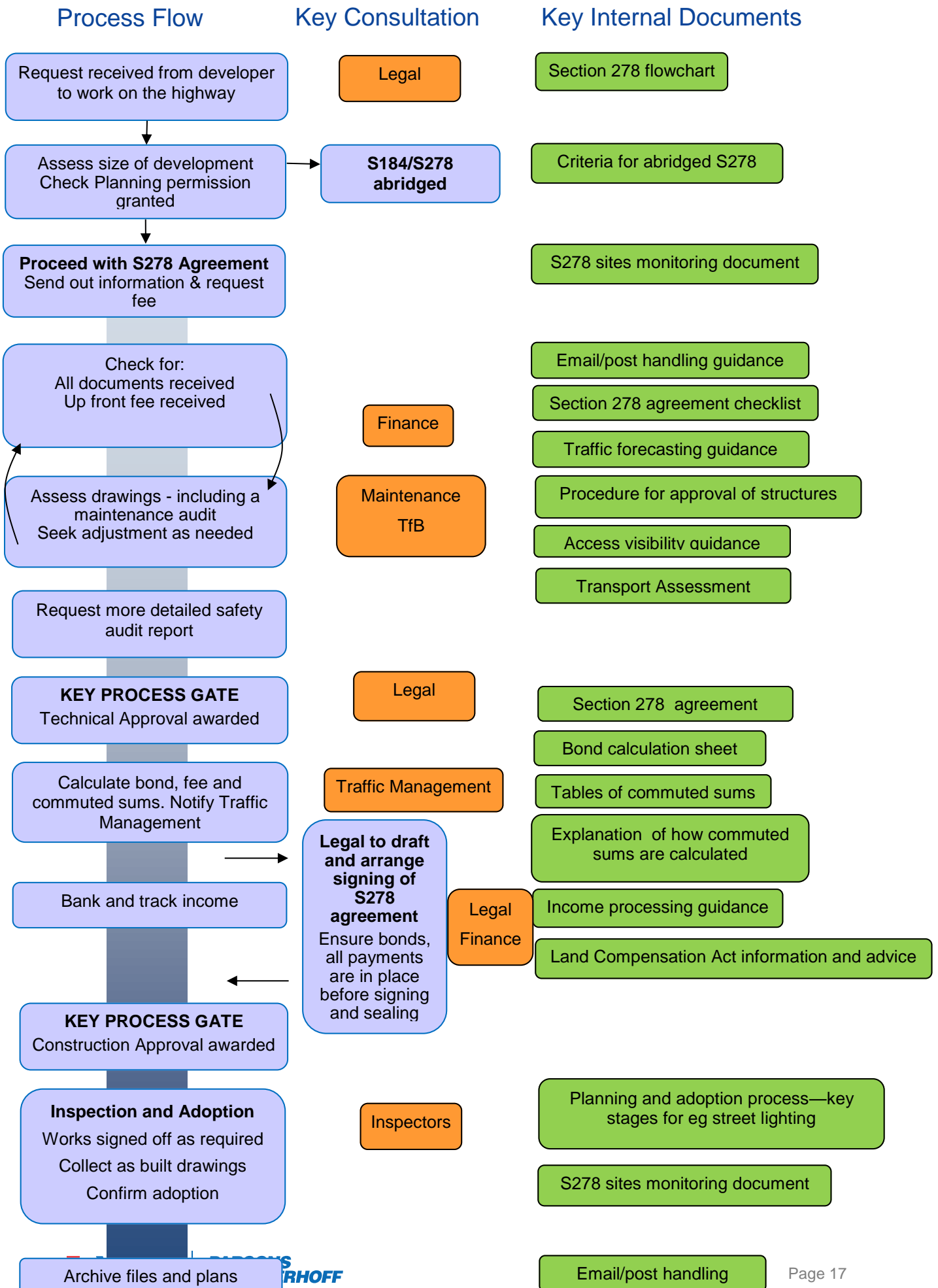


Figure 4: Process Flow chart for incoming section 278 agreements

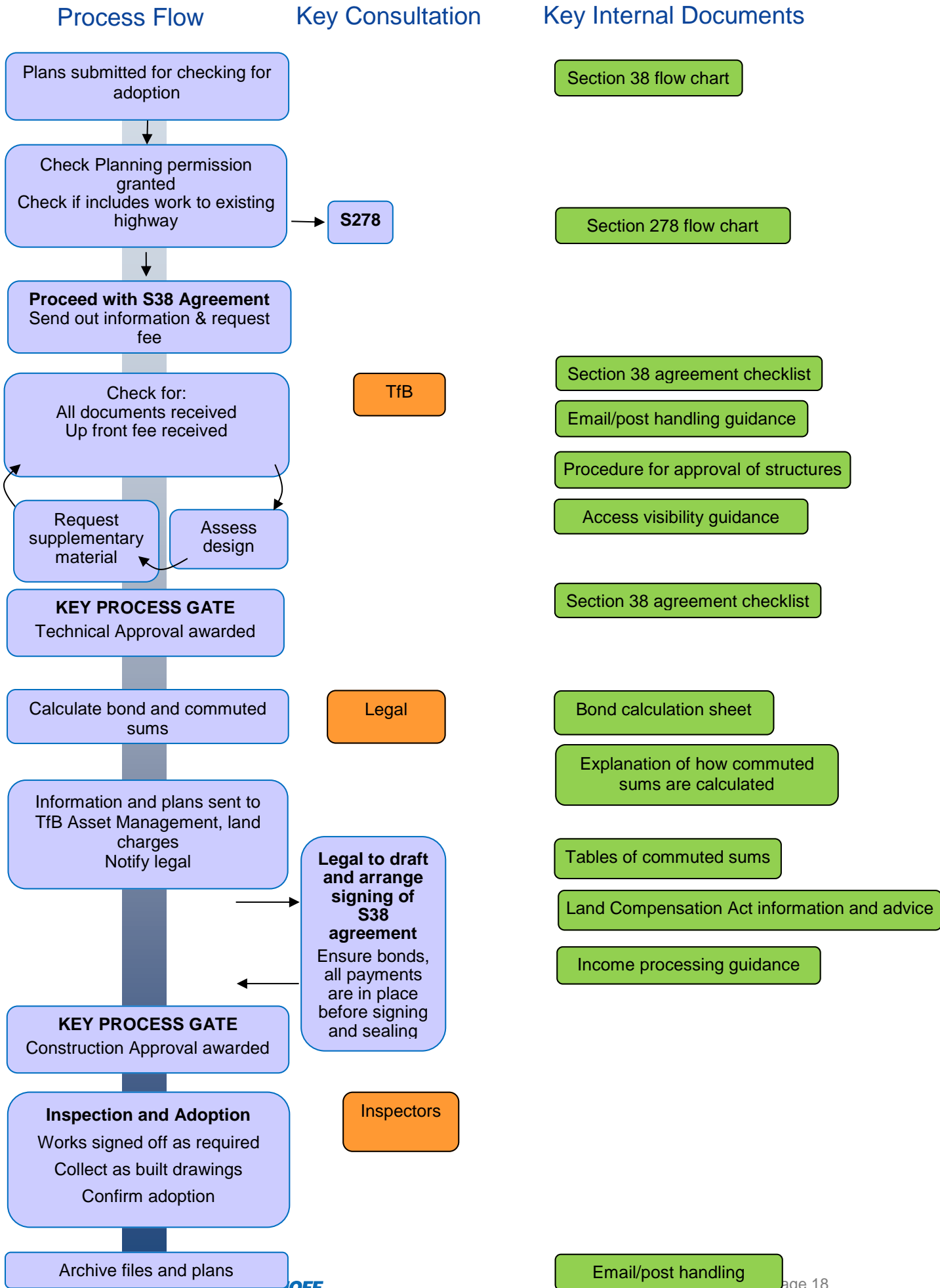


Figure 5: Process Flow chart for incoming section 38 agreements

SECTION 106 AGREEMENTS

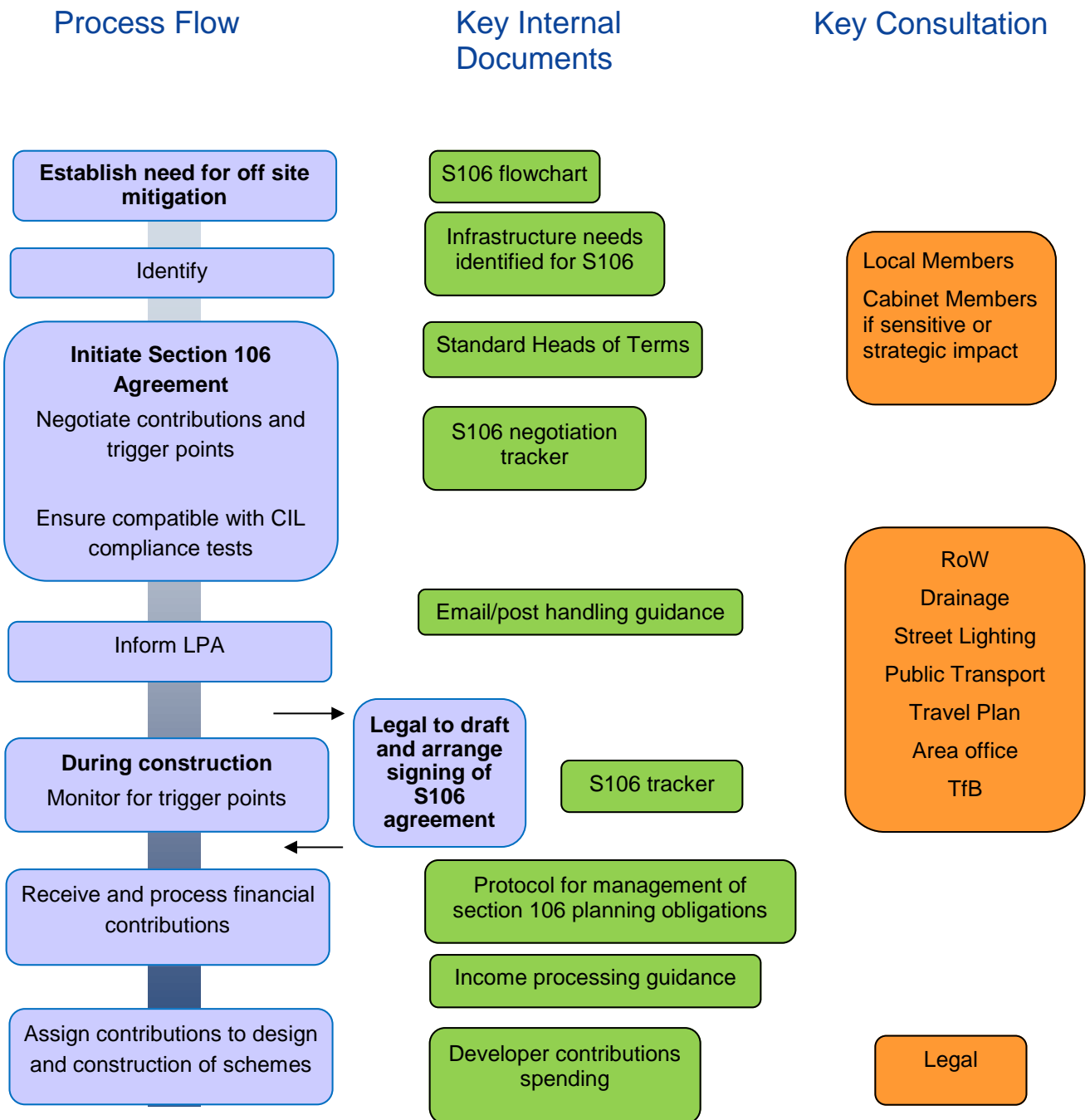


Figure 6: Process Flow chart for incoming section 106 agreements

5.1 Personnel

- 5.1.1 BCC is working within tight personnel constraints to deliver county wide highways development management. Figure 7 shows a representation of the current organisation structure as understood by the reviewers.

Team

- 5.1.2 The BCC highways DM team is small in comparison to authorities, even considering the increase in posts brought about by the TEE process. Other local authorities dealing with a similar number of applications have upwards of 20 DM staff. BCC currently has 10 (with 3 vacant positions). The team understands that it is not possible for BCC to recruit to this level immediately, however this offers an indication of just how over stretched the current system is.

Grade	Current no of staff	Suggested level of staff
Management	2 (1 vacant)	2
Senior & Lead Officer DM	3 (1 vacant)	4
Officer	1 (1 vacant)	2
Transport coordinators	2	2
Inspectors	2	4
Technicians	3	4
Total	13	18

Table 3: Current, and suggested staffing levels

- 5.1.3 Generally, increases in staff numbers are needed at every level. Table 3 highlights areas where these extra positions are needed. The suggested staffing level would still leave the team below an optimum staffing level, however this would make a significant impact on the efficiency of the team.
- 5.1.4 The DM team is the only in-house resource of highway background experience. Technical support in highways is provided commercially by TfB, but it can be a slow process to get a quick answer. BCC does not have any Area Managers or technicians outside of the TfB contract. The combined result is BCC receiving various other works related to the statutory highway functions of BCC; DM staff appear to be the “go-to guys” for all highway issues.
- 5.1.5 Additional staff resources (Highways Development Management Lead Officer and Highways Development Management Officer) should help, however the review team feel that the number of DM officers is still not enough and recommends that the DM team be increased. Suggested areas for increase are shown in table 3.
- 5.1.6 BCC DM officers are providing a very high level and volume of communication with BCC Councillors and the public.
- 5.1.7 This is commendable, however it is an incredibly resource-intensive process, that takes DM officers away from their core work – which is to safeguard the highway network and ensure developments are appropriate. It has also tended to raise the level of expectation amongst the public as to the level of communication they expect to receive. The DM team provides a valuable technical service to support the LPA and this is being compromised by the significant package of communications.
- 5.1.8 It is recommended that the DM team take a step back from the significant levels of communications they undertake. Particularly with the public, the level of expectation needs to be reset at a more manageable level. Developers should be required to keep the public and Councillors informed and engaged in the process. The LPA also have a consultation role.

Structure

- 5.1.9 An important difference often seen at other local authorities is clear distinction of roles by area. Whilst the team recognises in recent months there has been a move towards

certain staff focussing on specific regions, some BCC staff including transport co-ordinators and inspectors cover work across the entire county. For the inspectors, this means travelling large distances between sites and an expectation of expertise across a vast area. Inspection is an especially important issue. With many sites requiring monitoring and approval at certain milestones, inspectors are stretched thinly and unable to offer neither the amount nor detail of inspections desirable. Thinly stretched technicians also leads to thinly spread local knowledge, something which historically has proven an important part of the role.

5.1.10 Highways DM has a vast array of teams it communicates with however can sometimes appears a minor player, evidenced by the fact that the highways DM team has experienced being unintentionally sidelined from important and relevant correspondence. The reviewers also heard how sometimes those within the highways DM team feel it lacks strategic direction. In the model, the larger development management team drives the process, feeding in and out of the other teams but generally providing a central point of contact. Perhaps a larger DM team within BCC would be able to exert more influence, driving in its own strategic direction towards a more efficient process.

5.1.11 It is recommended that BCC consider assigning regions to inspectors. This will require recruitment of extra inspectors to provide adequate coverage, as shown in table 3.

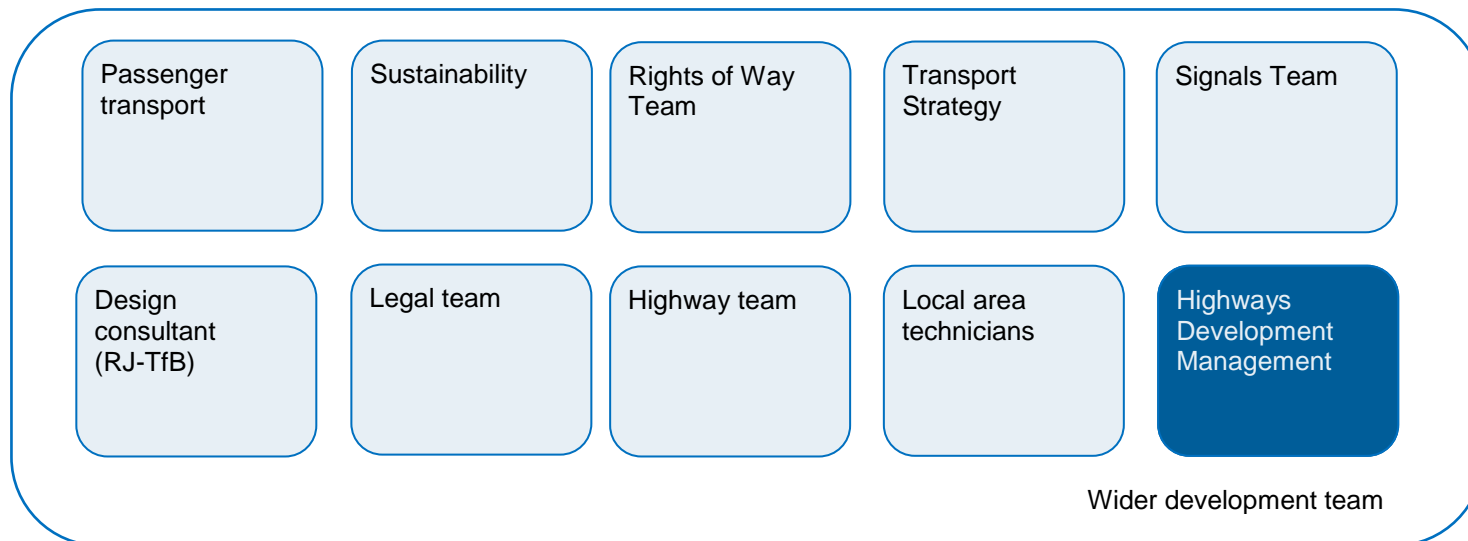
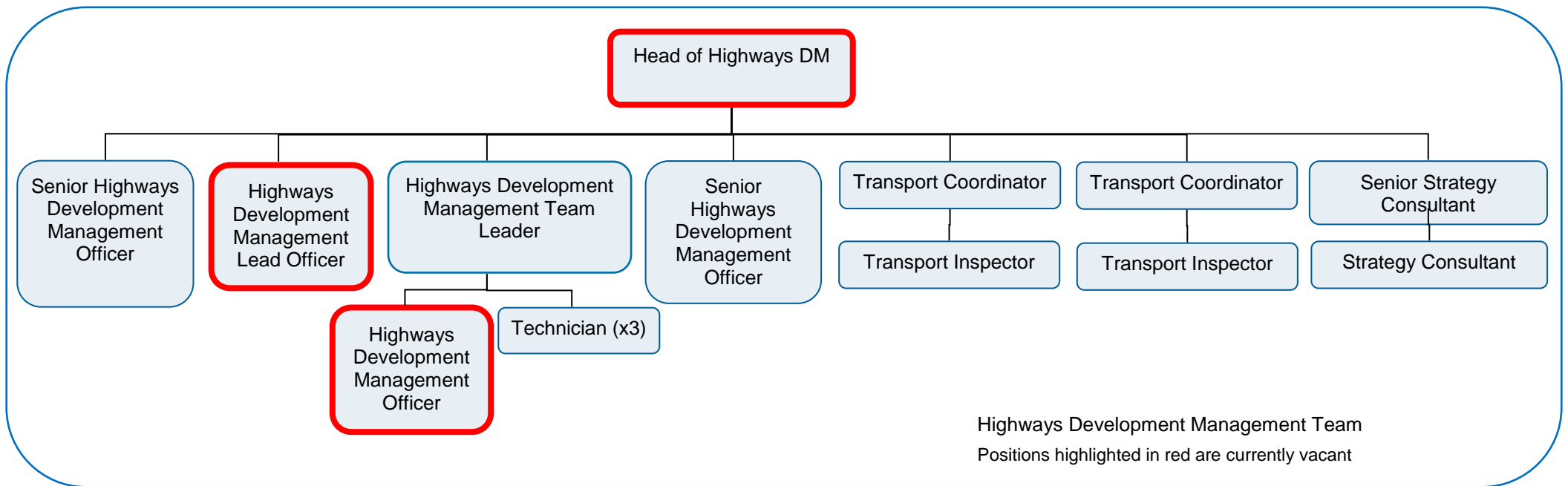


Figure 7: Organisational chart showing Highways DM and relationship with other teams

6 Local Plans

- 6.1.1 The DM team are responsible for providing site-specific advice to the LPA when they are producing their Local Development Plans (LDPs). With the under-resourcing which has been occurring, DM officers will not have had the time required to give serious thought to the impact of local plan developments.
- 6.1.2 Difficulties may arise at the Application Stage if Local Development Plans (LDPs) do not support the expectations of the DM team. The LDPs will have a significant influence on the approach taken by DM officers, and this may become an unwanted limitation in the future.
- 6.1.3 More time and resource needs to be spent on communication with the district councils regarding their LDPs, so that they do not become a limitation to proceedings. The quality of the DM response to the LDP process should be reviewed and a lessons learned note created.

7 Planning Consultations

7.1 Consultations in Buckinghamshire

- 7.1.1 Local planning authorities are obliged to consult highway authorities on planning applications affecting highways or transport. BCC receives consultations from the four local planning authorities within the county:
- Aylesbury Vale
 - Wycombe
 - South Buckinghamshire
 - Chiltern
- 7.1.2 There is wide variation between these in terms of communications and relationships. Wycombe is the only authority with a Community Infrastructure Levy.
- 7.1.3 Consultations come into a single email inbox, number about 3,000 per year and can vary in terms of highway content from small issues such as a new access to a field, to major infrastructure for new developments.
- 7.1.4 The target response time is 21 days. This is currently only achieved in about 40% of cases. Major applications require more time for checking of transport assessments.
- 7.1.5 The DM team has recently changed to assign staff to specific districts to provide continuity to a Local Planning Authority (applications in South Bucks and Chiltern are combined for this purpose) and separate inboxes have been set up for each of the districts.
- 7.1.6 There has previously been a desire for officers to work across the entire county so that that the department would be resilient to leave/sickness. All consultations were sent to the generic DM inbox and triage of consultations was undertaken weekly. This process was not working and did not make efficient use of time.
- 7.1.7 The planning part of the DM team now operates 3 sub-teams comprising a Strategic Officer, Senior Officer and Technician/Officer. Currently there is no Senior Officer for Wycombe and no Strategic Officer for South Bucks and Chiltern.
- 7.1.8 Triage is now to be carried out by the senior officer for each district and work allocated to junior staff based on the size and nature of the development.
- 7.1.9 The team relies on Transport for Buckinghamshire (TfB) for advice in the following areas:
- Street lighting design checks.
 - Signal design checks.
 - Passenger Transport.
 - Traffic Management – signs, lines, TROs, standalone controlled pedestrian crossings.
 - Casualty Reduction – Road Safety Audits, accident statistics
 - Road Space Management – TfB perform the statutory duty of BCC to manage all works within the highway.

7.2 Current Issues

- 7.2.1 The review team has been made aware of a number of aspects of planning consultations that are currently not ideal.
- 7.2.2 Reasons for refusal may not be properly justified in transport terms. These can lead to appeals which lead to diversion of effort to respond and may lead to costs against the authority for unreasonableness. The National Planning Policy Framework states that
- 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'* (NPPF paragraph 32)
- and also limits the weight of current and emerging policies according to their consistency with the Framework (NPPF paragraphs 215 & 216).

- 7.2.3 Ensure that adequate training is provided to staff and that knowledge is continuously maintained. (As an example, in Suffolk, all new staff above technician level attend the 4 day IHE course on Development Management).
- 7.2.4 The review team has been made aware of examples where application refusals are being written and sent out by junior staff. This puts BCC at serious risk, including the potential for awarding of costs against BCC. Refusals are often complex and need to be considered against the NPPF and policies and procedures from BCC and the Local Planning Authority.
- 7.2.5 It is imperative that these are fully checked by a senior member of the DM team, and given that it would be a senior officer attending at appeal, the consultation response should be in their name.
- 7.2.6 Various forms of highways DM triage have been tried within BCC, but none has been fully effective. The systems have always placed a significant burden on the highways DM team, as well as senior highways DM staff.
- 7.2.7 A dedicated DM administrative assistance should be provided to perform a significant amount of the triage tasks. They would also be able to input the information into Uniform and/or an application tracking spreadsheet / database.
- 7.2.8 It was noted that some Local Planning Authorities can be slow to forward applications. In some cases, LPAs can fail to forward on to BCC other people's consultation responses, which are relevant to transport. This may be as a result of relatively poor relationships between the DM team and the LPA. It is likely that there has not been the time to develop good working relationships. A poor response rate from BCC will also be a factor.
- 7.2.9 It is therefore recommended that BCC makes a commitment to improve the working relationships with the planners:
- Spend more time with the planners and consider more frequent visits to the LPA offices.
 - Be available and willing to discuss larger applications throughout the process, rather than simply sending a final response.

7.3 Standard Conditions

- 7.3.1 BCC is consulted on applications from four Local Planning Authorities. BCC's standard conditions for each one of these districts is different. This makes it hard for DM officers to respond quickly and efficiently and may lead to future mistakes.
- 7.3.2 It is recommended that a single set of standard conditions should be created and agreed across all of the LPAs. A review against other Local Authorities should be carried out to ensure that wording of each condition is correct and that all appropriate standard conditions are included.

7.4 Planning Application Responses

- 7.4.1 Many of the consultations that the Development Management team receive are for smaller schemes with minimal impact on the highway. However, written responses to planning applications for these schemes are still often long and therefore time-consuming. Officer time and expertise would be better deployed on the more complex and challenging development proposals.
- 7.4.2 There is an opportunity for text to be standardised, to save officers from having to rewrite the same or similar responses. Standardised text should be reviewed and compared against other local authorities; it may be possible to include this within Uniform.

7.5 Road Safety Audit

- 7.5.1 The highway consultation process must not allow development to take place that would require road alterations that would be unsafe. This principle is well understood but it is worth emphasising as early as possible that new or altered junctions, crossings and facilities for

vulnerable road users should be accompanied by at least a stage 1 road safety audit at outline and detailed application stages.

7.6 Handover from Planning to Developers' Roadworks

7.6.1 A significant period of time may elapse between planning consent and commencement of a development. This presents difficulties in providing continuity between the planning stage and the implementation stage (S278 & S38).

7.6.2 It is recommended that a handover file is set up at consultation stage for every large application containing significant roadworks, or that a system is put in place which records all relevant information to an application for later retrieval.

8 Developers' Roadworks (S278 Agreements)

8.1 Section 278 Agreements in Buckinghamshire

- 8.1.1 Developers' roadworks can be allowed to take place on existing highways through a legal agreement between a promoter – i.e., a developer or land owner (or both) - and the highway authority. They are required to comply with a condition or obligation if work is required to place on the highway.
- 8.1.2 For minor roadworks by developers (interpreted in Buckinghamshire as below £15,000 in value), a simpler process is followed under Section 184 of the same Act. Such works may include a new access or other minor alterations involved in creating a vehicular crossing of existing verges or footways.
- 8.1.3 However, this section of the act does not provide the same level of protection to BCC and may leave BCC open to paying to deal with issues arising from the works. Holding of a cash deposit against the value of the S184 works would offer a level of security to BCC.
- 8.1.4 Significant roadworks will require an agreement under Section 278 (S278) of the Highways Act 1980 (including later amendments). Works may include new or altered junctions, traffic signals, widening and facilities for pedestrians, cyclists and public transport. Every S278 agreement is unique. Many S278 agreements have been, and continue to be, fulfilled in Buckinghamshire without significant problems. Some larger or more complex schemes have given rise to issues.
- 8.1.5 The review team recommends that S184 permits are retained for minor access alterations and additions. Works of the value of £15-25,000 should be carried out under a shortened or abridged S278 agreement.

8.2 Consistent Process – Protocol

- 8.2.1 While a checklist of requirements for a Section 278 agreement has evolved within the DM team, it is not used by every officer involved and there is no consistent protocol for the handling of requests or the guidance of promoters.
- 8.2.2 It is recommended that guidance in the form of a Section 278 Protocol is drawn together as soon as possible from best practice of other highway authorities, adapted to the requirements of BCC. It is recommended that adherence to consistent processes for Protocol (and Supervision – see below) then becomes mandatory in the DM team and applied consistently in all future cases. Figure 4 provides a model for this protocol.
- 8.2.3 A section 278 agreement may be entered into by the highway authority *'if they are satisfied it will be of benefit to the public'* (first sentence of S278).
- 8.2.4 It is crucial that all highway works are appropriate and have been fully agreed by BCC before construction begins. There is significant risk to BCC in allowing works to begin without all technical approvals being in place, all legal issues being dealt with and all monies being provided.
- 8.2.5 Without this, there is no recourse to the developer for damaging the highway (performance bond); there is no recourse to the developer for compensation claims and BCC would be liable; it puts BCC at an incredibly weak position when it comes to instructing the contractor about suitable methods of work and traffic management.
- 8.2.6 The review team strongly recommends that no highway works are allowed to begin until a full technical approval has been issued. This may be best achieved by coordinators/inspectors checking technical approval is in place at the point of road space booking.
- 8.2.7 To reduce the burden on DM officers when dealing with S278 works, the following guidance should be set out for information in advance of the S278 agreement:
- form of agreement

- finance – bond of surety, fees and other charges, commuted sums for maintenance, public liability insurance requirements and provision for claims under Part 1 of the Land Compensation Act 1973
- standards for highway design, design of street lighting, highway structures and traffic signals
- procurement of works
- land to become public highway
- construction
- fulfilment of planning obligations
- health and safety
- road safety audits
- consultation and public relations
- communications package (in preparation)
- requirements and time to be allowed for technical approval
- approval of contractors
- governance (see below)
- provision for resolution of disputes
- physical location of all critical utilities before any work in close proximity

8.2.8 It is recommended that the above documents are produced or revised and made available.

8.2.9 A shorter version of guidance should be developed for abridged S278 works and access alterations under S184.

8.2.10 The progress of agreements is not currently tracked and there would be a problem in the event of senior DM staff leaving. As mentioned in the internal documentation section, it is recommended that a tracking system is introduced, which tracks application from planning stage, through S278, S38 and onto completion.

8.3 Supervision

8.3.1 During construction, sites are visited by one of two DM Inspectors. In practice a major site might only get a visit every few days due to the large number of sites.

8.3.2 Some processes have been created by the team to help during the inspection process.

8.3.3 A checklist of requirements for inspection (site supervision) has also been created by the team

8.3.4 The review team feel that there are potential benefits from ensuring these processes and checklists are used across the board and these should link into others where appropriate.

8.3.5 It is recommended that these documents are used as the backbone to a set of guidance documents, checklists and sign off sheets for use within the inspection process. These should be made publically available to allow developers to be aware up front of their requirements.

8.4 Governance

8.4.1 In principle there are alternative options for design and construction of developers' roadworks under S278 agreements. Currently works are carried out under the direct control of the promoter (with only supervision of quality of work by the highway authority). Instead, the contractor may be engaged from an approved list or be asked to appoint an agent under the direct control of the highway authority (as required by the Highways Agency on strategic roads). Despite offering higher levels of control, the latter places large amount of risk with the highway authority, and is not recommended for this reason. An approved list should be considered to reduce the occurrence of inconvenience to road users.

8.4.2 Contractors may incur penalties for delay under their contract with the promoter and may also incur additional costs for a range of reasons. These include the costs of extended occupation of third party land and damage to utilities plant as a result of their works.

- 8.4.3 There is limited potential for the highway authority to exert influence over a contractor engaged by the promoter. In the current S278 process, BCC can only impose penalty upon the promoter, and has less influence over the contractor. Contractor Penalties under the highway permit system are limited and generally too low to influence overrunning work on a Section 278 scheme. Department for Transport (DfT) guidance (2012) on lane rental indicates that such schemes by local highway authorities are not proven to be an effective measure against congestion and disruption caused by roadworks. Delays caused by utilities carrying out works within a roadworks site already closed to traffic may give rise to unfair penalty on contractors when the cause is beyond their control.
- 8.4.4 However, S278 agreements can (and do in other Authorities) include a window in which highway works can take place. Beyond this timescale, the S278 agreement does not allow developers to work on the highway. It is also possible then to describe with the agreement the process for re-applying for a S278 agreement. Whilst this does raise the risk of incomplete works and hence disruption to the public, the developer is incentivised to finish within the window by the additional fee required to enter into a second S278 agreement. This could even be refused if the Authority believes that the contractor in place is putting people at undue risk.
- 8.4.5 It is therefore recommended that the S278 agreements are amended to include a window of works, and a description of the reapplication process (including additional fee) in order to provide BCC with greater control over the process.
- 8.4.6 However, exposure of the highway authority to the risk of inconvenience to road users caused by a poorly performing contractor can be mitigated by means of governance agreed with the promoter.
- 8.4.7 It is recommended that the S278 agreement for very large schemes should include a requirement for the promoter and contractor to participate in a project board and co-operate to the authority's satisfaction.
- 8.4.8 The opportunity to establish control in detail is scheme-specific and may be established with technical approval. Governance need not take long or require numerous meetings but it is recommended that major developers' roadworks projects should include a project board with named individuals for key functions within an established project management methodology (e.g., APM). This does not relieve the promoter of obligations under the S278 agreement but is by definition accountable for the success of the project.
- executive (ultimate responsibility with veto on decisions e.g., promoter)
 - senior user (representative of existing road users and those who will use project e.g., the current BCC DM Co-ordinator)
 - senior supplier (responsible for technical integrity of design and construction of the project e.g., contractor)
- 8.4.9 The following individuals (external to the project board) will also be named
- corporate management (BCC Cabinet Member and Service Director)
 - project manager (day to day running e.g., site agent)
 - assurance (quality assurance plus independent advice and guidance on primary stakeholder interests e.g., BCC Inspector + assurance resource – see below)

It is not essential that the contractor's project support and team members are identified unless they are accepted sub-contractors in which case it is essential (see also Approval of Contractor).

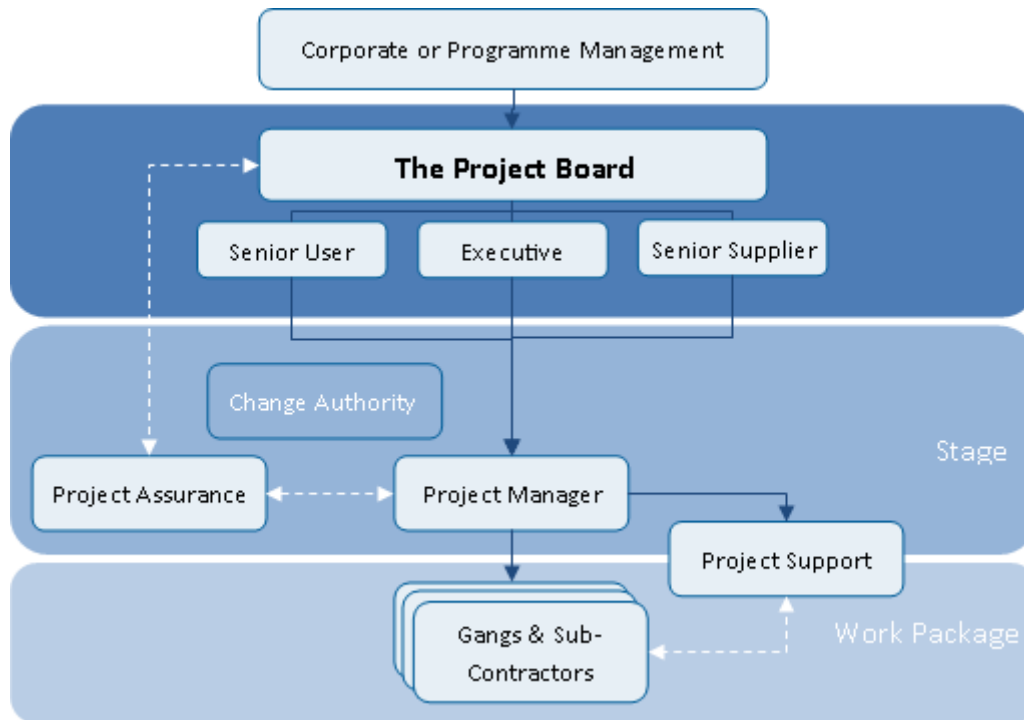


Figure 9 - Standard Project Board Structure

- 8.4.10 The assurance role can be enhanced by pro-active involvement in issues on buildability and minimising risk of disruption to road users. The assurance process is central to meeting expectations and can usefully include interventions in temporary traffic management, utilities works and maintain a critical expert overview of construction method, programme and access in the interests of the public and significantly affected third parties.
- 8.4.11 In order to avoid yet more pressure on inspection resources and to augment skills available for assurance, it is recommended that assurance is supplemented with suitably experienced inputs from external sources during works of a potentially disruptive nature.
- 8.4.12 Sources of assurance may be BCC itself through the highways DM inspectors, the promoter's design consultant TfB, or other independent expertise engaged by BCC. Of course the most economical solution would be to use BCC staff, time permitting. A designer in a design and build relationship would not be sufficiently independent of the contractor for this role.
- 8.4.13 There is advantage in the person responsible for assurance becoming familiar with all foregoing consultation responses at the application stage. The benefit of this is to have a full appreciation of issues pertinent to the interests of the highway authority and expectations of consultees (especially local representative bodies – see also planning). The assurance adviser would be in effect the first point of contact for third parties during the works.
- 8.4.14 It is recommended that the assurance role is linked closely to Members, media and public relations, and that all statements and responses to complaints should be subject to assurance. The reviewers have been told that complaints relating to developers' works take up the time of inspectors, co-ordinators and the team leader amounting to around 40% of a full time equivalent team member's time, and so there is a clear efficiency gain in separating complaints about disruptive projects from day-to-day business of the team. It is recommended that a public relations strategy forms part of technical approval, requiring that no comment should be made about on disruptive works by the promoter, contractor, TfB or BCC without first consulting with the project board adviser responsible for assurance.
- 8.4.15 Works subject to assurance may include any works that significantly affect through traffic, access to businesses highly dependent on customers, delivery or distribution, access by significant numbers of residents, and the amenity of residents in close proximity to the works. The list may not be exhaustive in any particular case and the project board should in any case be detailed in submissions for technical approval.

8.5 Transport for Buckinghamshire

- 8.5.1 The main issue encountered by the reviewers concerning technical approval is time taken for TfB to issue technical approval.
- 8.5.2 Due to the nature of S278 and S38 works, there is often little prior notice of when design work will be carried out under a Section 278 agreement – and therefore when the work will be submitted to BCC for technical approval.
- 8.5.3 TfB desire as much forward visibility of work as possible to enable them to efficiently manage workloads. Submissions for technical approval of S278 designs are a significant peak of work, usually in specialised technical areas of highways, drainage, lighting, traffic signals and structure designs. They therefore require different expertise from the base workload of highway maintenance.
- 8.5.4 The turnaround time for street lighting matters is currently slow. There is a proposal to introduce a 28 day target and this is commendable. However, there are no key performance indicators for TfB around this work. It is likely therefore that turnaround time will continue to be slow.
- 8.5.5 It is recommended that additional KPIs are added to the contract at the next available opportunity. These KPIs should be around a quick turn around of work.
- 8.5.6 It is also recommended that the number of man days required to support the highways DM team is reviewed. If it is considered that there is a need for greater time, then this should be agreed with TfB. This will enable them to recruit the specialisms in house. Given that the cost of bringing in expertise above the fixed number of days agreed up front is so much more expensive, and given the need for the work to be carried out quickly, this might be a solution which is relatively cost neutral.
- 8.5.7 It appears that there is no breakdown available for days spent by TfB on highways DM work. It is unclear whether days allocated in the budget have actually been used on highways DM work. The process certainly appears to require further investigation.
- 8.5.8 It is therefore recommended that BCC conduct a review of the work undertaken by TfB on the highways DM work and ensure that the correct number of days has been utilised.

8.6 Approval of contractor

- 8.6.1 BCC currently operates a number of checks on a contractor proposed by developers for S278 roadworks:
- Accreditation under the New Road and Street Works Act (this applies to operatives not companies)
 - Company credit checks
 - Public liability insurance of £10m
 - Risk assessment
 - Method statement
- 8.6.2 These are reasonable checks; however they are not sufficient to exclude an unsuitable contractor. Unfortunately, these checks do not always safeguard the integrity of site management, and do not prevent multiple changes of site agent, poor planning and communication, unsafe working around utilities, unacceptable traffic management and extensive use of subcontractors for other construction activities.
- 8.6.3 In Buckinghamshire an approved contractors list has been discontinued for about 5 years. It is not uncommon for other authorities that allow contractors to carry out S278 works to limit the selection of contractors to a list of companies who have further satisfied the authority in respect of:
- Business and financial details
 - Insurances (all)
 - References on completed works (e.g., 4 schemes)
 - Health & safety policy

- Racial equality
- Environmental performance assessment

8.6.4 It is recommended that S278 agreements require that contractors provide this additional information about contractors.

8.6.5 Failure to produce this information may be good reason to exclude a particular contractor in the public interest.

8.7 Standard details

8.7.1 BCC does not currently have standard details for construction of typical highway features. While details are provided in individual sets of S278 plans, a standard set is desirable in the interest of standardising items for future maintenance.

8.7.2 Developers are asked to submit details for their development, and for each item to be individually agreed and given technical approval. This places significant burden both on the highways DM team and the developer.

8.7.3 Standard details for items such as illuminated bollards, street lighting, traffic signals, accesses, pavement construction and special paving should be provided.

8.8 Design standards

8.8.1 Promoters are not currently provided with guidance on highway design standards, but may be referred to specific information, e.g., on traffic signals. The Design Manual for Roads and Bridges published by the Department for Transport (DfT) and the Highways Agency is the established national standard applicable to trunk roads and motorways and is commended to local highway authorities but not mandatory. Further advice on some specific highway features is contained in the series of Traffic Advisory Leaflets, also published by DfT. Manual for Streets also provides some lower standards for urban developments. The Manual of Contract Documents for Highway Works gives specifications and standard details. These remain the best and only official sources of good practice for road design in the UK and as such provide some reassurance to designers and approvers of designs. While they remain the main source of design guidance in the UK, they do not extend to certain aspects of less busy roads, e.g., pavement design of estate roads, and shared use areas.

8.8.2 Innovative or non-standard design outside the scope of DMRB (for instance special paving required for aesthetic reasons, non-compliant crossings and textured paving) has led to design liability and penalties under Health and Safety legislation elsewhere on public and private roads.

8.8.3 Specifications and local design standards are not unusual in S278 guidance but can lead to risk of liability and always need a sufficient design risk assessment.

8.8.4 It is recommended that any non-standard design is accompanied by a sufficient risk assessment and competent approval. This will need to be agreed by the TfB Asset Management team.

8.8.5 All designs should be subject to Road Safety Audit and relevant structural approvals as appropriate.

8.9 Method statement

8.9.1 For smaller scale S278 works, Traffic Management is reviewed by the highways DM team but remains principally a responsibility of the Developer / Main Contractor.

8.9.2 For works subject to assurance by means of a project board (see Resources and Governance) BCC should review and approve Traffic Management before its implementation.

8.9.3 A construction method statement and programme should clearly indicate temporary traffic management and days and hours of proposed operation.

8.9.4 When S278 works are on traffic sensitive areas, it is recommended that a simple assessment of traffic delays during stages of construction and, where possible, options to minimise delays should be provided. The assessment may show the relative impact on construction cost and traffic delays of alternative options.

9 Summary of Recommendations

- 9.1.1 The following pages summarise the recommendations made in the report, with those which may provide ‘quick wins’ and high impact highlighted. Quick wins are those recommendations which could offer an immediate, large impact with minimal effort in implementation required.
- 9.1.2 Many of the recommendations focus around four key areas; documentation, resource, engagement and TfB. The following attempts to provide a quick glance summary of the key recommendations of the report:

9.2 Strategic roadmap of recommendations

- **Documentation** – make more documentation publically available to developers in a more organised way.

Map, refine and provide clear processes for undertaking DM in Buckinghamshire. Including the creation of checklists and guidance notes.	Create a means of centrally tracking developments through the entire DM process. Planning → S106 → S38 → S278
Create the following documentation: <ul style="list-style-type: none"> • Commuted Sums Protocol • Design Guide (residential, industrial & materials) • Standard Drawings • S38/S278 Bond Calculations • Information for developers (fees, bonds, criteria for abridged agreements) 	Update the following documentation: <ul style="list-style-type: none"> • Parking Standards • Information on S38 & S278 in Buckinghamshire
	Standardise the planning conditions across all the districts and benchmark against other authorities.
Create a Buckinghamshire County Council Development Management policy.	Update the website to provide this information to developers.

- **Resource** – ensure resourcing levels are adequate to fulfil DM remit by recruiting extra staff (noting the immediate need for a Development Management administrative assistant). Assign regions to inspectors to allow for more efficient site coverage.
- **Engagement** – ensuring focus remains on core DM activities, reduce the current high level of communication with the public.
- **TfB** – re-evaluating relationship with TfB, putting KPIs in place to ensure the needs of the Development Management team are met by the contract. Reassess the number of days assigned to TfB for DM work against the number of days required.

10 Tabulated Summary of Recommendations

Ref	Description	Solution	Quick Win	High Impact
Rec 01	BCC's website contains the least publically available guidance of any of the surveyed authorities, and was difficult to use. Much of the information that was found came through stand alone internet searches, with very few click through links found	BCC would benefit from one, central page focussed entirely on information for developers. Perhaps this could be located under a new 'TEE' page, as opposed to the current position within transport and roads. This should become a central hub bringing together into one place all relevant documents, application forms, contacts and guidance notes.	✓	✓
Good practice	When documents received separately from BCC are considered, the picture looks healthier. These are shown in brackets in Table 1. The team has seen detailed guide notes alongside application forms and template agreements for section 38, 278, 184 and 106 agreements. The review team is aware that some of these documents, plus others, forms a communications pack released to developers following initial contact.			
Rec 02	There are clear gaps in the publically available guidance on the BCC website, focussed around application and design guidance.	It is recommended that these documents plus the information pack are immediately made available publically through the BCC website. This will lighten some workload from the DM team, whilst also bringing BCC into line with other local authorities in the region.	✓	
Rec 03	On a strategic level, whilst the Buckinghamshire County Council Strategic Plan does include a planning and transportation portfolio plan, its focus is not on development management	It is recommended BCC develop a strategic document outlining forward development management policy, as part of a network of cross referenced publically available guidance. This document should undergo an appraisal process similar to the LTP, or could even be included as part of the next LTP for Buckinghamshire, due for release in March 2016.		✓
Good practice	An excellent example of local level guidance is the Highway Protocol for Conservation Areas document, giving guidance on highway related works in conservation areas. This represents a formal agreement between BCC and Aylesbury Vale District Council, a model which could be used again as further guidance is produced. However, this document could not be sourced through the BCC website.			
Rec 04	Developers are referred to national guidance such as the Manual for Streets regarding design and construction.	It is recommended BCC produce supplementary or standalone design, construction and/or materials guides for development work in the county		✓
Good practice	The review team have seen internal documents including template application forms and instructions relating to section 38, 278, 184 and 106 agreements, as well as communications strategy, development control crib sheets, approval, adoption and pre-start meeting checklists and a section 184 process flowchart.			
Rec 05	Life-cycle tracking of planning applications and section 106/38/278/184 agreements was a common concern raised with the review team. This currently manifests itself is as a lack of accountability for incoming developer fees	It is recommended that central spreadsheet databases (or similar) are introduced to track planning applications and section agreements from first contact through to archiving of plans. Ideally, these should be collaborative, including input from district councils as well as TfB, or provide links to other databases.	✓	✓

on a scheme by scheme basis, and missed revenue from section 106 agreements

Ref	Description	Solution	Quick Win	High Impact
Rec 06	To the review team's knowledge, TEE does not currently have standard drawings in place for common highway features.	It is recommended to produce standard drawings for common highway features. This process could align with the earlier recommendation to produce a county level design guide.		✓
Rec 07	Current processes for processing incoming applications and requests are functional but not clearly defined. This has seen procedures not robustly enforced and meant important groups (sometimes TEE themselves) are left out of the loop during correspondence	It is recommended that Figures 3-6 should be used to form the basis of a clearly defined process outlining how BCC will conduct development management.		✓
Rec 08	The review highlighted several documents which could quickly provide efficiency, consistency and transparency across the development management process	It is recommended that BCC review the current portfolio of internal documents, and strongly consider the benefits of implementing some or all of those additional documents highlighted in figure 2 in leading a consistent, clearly defined and streamlined process.		✓
Rec 09	The BCC DM team is small in comparison to similar authorities, even considering the increase in posts brought about by the TEE process. The DM team also pick up extra work relating to statutory highway functions of BCC	Additional staff resources (Highways Development Management Lead Officer and Highways Development Management Officer) should help, however the review team feel that the number of DM officers is still not enough and recommends that the DM team be increased. Suggested areas for increase are shown in table 3.	✓	
Good practice	BCC DM officers are providing a very high level and volume of communication with BCC Councillors and the public.			
Rec 10	BCC DM officers provide a high quality of communication with BCC Councillors and the public. Whilst commendable, this resource intensive process is preventing DM officers from completing their core work. It has also tended to raise the level of expectation amongst the public as to the level of communication they expect to receive.	It is recommended that the DM team take a step back from the significant levels of communications they undertake. Particularly with the public, the level of expectation needs to be reset at a more manageable level. Developers should be required to keep the public and Councilors informed and engaged in the process. The LPA also have a consultation role.	✓	
Rec 11	Despite a move towards regionalisation of roles, some BCC staff including transport co-ordinators and inspectors must cover work across the entire county	It is recommended that BCC consider assigning regions to inspectors. This will require recruitment of extra inspectors to provide adequate coverage, as shown in table 3		✓

Ref	Description	Solution	Quick Win	High Impact
Rec 12	The DM team are responsible for providing advice to the LPA when they are producing their Local Development Plans (LDPs). DM officers have not have had the time required to give serious thought to the impact of local plan developments and this may be limiting future applications.	More time and resource needs to be spent on communication with the district councils regarding their LDPs, so that they do not become a limitation to proceedings. The quality of the DM response to the LDP process should be reviewed and a lessons learned note created.		
Rec 13	Reasons for refusal may not be properly justified in transport terms. These can lead to appeals which lead to diversion of effort to respond and may lead to costs against the authority for unreasonableness.	Ensure that adequate training is provided to staff and that knowledge is continuously maintained. (As an example, in Suffolk, all new staff above technician level attend the 4 day IHE course on Development Management).		
Rec 14	Some refusals are being written and sent out by junior staff. This puts BCC at serious risk, including the potential for awarding of costs against BCC.	It is imperative that all refusals are fully checked by a senior member of the DM team be sent out in their name.	✓	
Rec 15	Various forms of DM triage have been tried within BCC, but none has been fully effective. The systems have always placed a significant burden on the DM team, as well as senior DM staff.	A dedicated DM administrative assistance should be provided to perform a significant amount of the triage tasks. They would also be able to input the information into Uniform and/or an application tracking spreadsheet / database.	✓	✓
Rec 16	It was noted that some Local Planning Authorities can be slow to forward applications and can fail to forward on to BCC other people's consultation responses, which are relevant to transport. This may be as a result of relatively poor relationships between the DM team and the LPA.	BCC should make a commitment to improve the working relationships with the planners - Spend more time with the planners and consider more frequent visits to the LPA offices. - Be available and willing to discuss larger applications throughout the process, rather than simply sending a final response.		
Rec 17	BCC are consulted on applications from four Local Planning Authorities. BCC's standard conditions for each one of these districts is different. This makes it hard for DM officers to respond quickly and efficiently and may lead to future mistakes.	It is recommended that a single set of standard conditions should be created and agreed across all of the LPAs. A review against other Local Authorities should be carried out to ensure that wording of each condition is correct and that all appropriate standard conditions are included.		✓
Rec 18	Many of the consultations which the Development Management team receive are for smaller schemes. However, written responses to planning applications for these schemes are still often long and therefore time-consuming.	Standardise text to save officers from having to rewrite the same or similar responses. Standardised text should be reviewed and compared against other local authorities; it may be possible to include this within Uniform.	✓	✓

Ref	Description	Solution	Quick Win	High Impact
Rec 19	A significant period of time may elapse between planning consent and commencement of a development. In this period it is possible that continuity between the planning stage and the implementation stage (S278 & S38).	It is recommended that a handover file is set up at consultation stage for every large application containing significant roadworks, or that a system is put in place which records all relevant information to an application for later retrieval.	✓	
Rec 20	S184 permits are being used for smaller scale road works. This section of the act does not provide the same level of protection to BCC and may leave BCC open to paying to deal with issues arising from the works.	The review team recommends that S184 permits are retained for minor access alterations and additions. Works of the value of £15-25,000 should be carried out under a shortened or abridged S278 agreement.	✓	
Rec 21	While a checklist of requirements for a Section 278 agreement has evolved within the DM team, it is not used by every officer involved and there is no consistent protocol for the handling of requests or the guidance of promoters.	It is recommended that guidance in the form of a Section 278 Protocol is drawn together as soon as possible from best practice of other highway authorities, adapted to the requirements of BCC. It is recommended that adherence to consistent processes for Protocol (and Supervision – see below) then becomes mandatory in the DM team and applied consistently in all future cases. Figure 4 provides a model for this protocol.		✓
Rec 22	It is crucial that all highway works are appropriate and have been fully agreed by BCC before construction begins. There is significant risk to BCC in allowing works to begin without all technical approvals being in place, all legal issues being dealt with and all monies being provided.	The review team strongly recommends that no highway works are allowed to begin until a full technical approval has been issued. This may be best achieved by coordinators/inspectors checking technical approval is in place at the point of road space booking.	✓	✓
Rec 23	S278 guidance documents will help to reduce the burden on DM officers when dealing with S278 works.	It is recommended that a set of documents are produced or revised and made available to developers. A shorter version of guidance should be developed for abridged S278 works and access alterations under S184.		
Rec 24	Some processes and checklists have been created by the team to help during the inspection process. The review team feel that there are potential benefits from ensuring consistency across the board.	It is recommended that these documents are used as the back bone to a set of guidance documents, checklists and sign off sheets for use within the inspection process. These should be made publically available to allow developers to be aware up front of their requirements.		✓
Rec 25	BCC should protect itself from future over-running schemes and poorly performing contractors.	The S278 agreements should be amended to include a window of works, and a description of the reapplication process (including additional fee) in order to provide BCC with greater control over the process.	✓	✓

Ref	Description	Solution	Quick Win	High Impact
Rec 26	The risk of inconvenience to road users caused by a poorly performing contractor can be further mitigated by means of governance agreed with the promoter.	It is recommended that the S278 agreement for very large schemes should include a requirement for the promoter and contractor to participate in a project board and co-operate to the authority's satisfaction.		
Rec 27	Assurance would form part of the project board structure, and would ensure pro-active involvement in issues on buildability and minimising risk of disruption to road users	In order to avoid yet more pressure on inspection resources and to augment skills available for assurance, it is recommended that assurance is supplemented with suitably experienced inputs from external sources during works of a potentially disruptive nature.		
Rec 28	The main issue encountered by the reviewers concerning technical approval is time taken for TfB to issue technical approval.	It is recommended that additional KPIs are added to the contract at the next available opportunity. These KPIs should be around a quick turn around of work.	✓	✓
Rec 29	The main issue encountered by the reviewers concerning technical approval is time taken for TfB to issue technical approval.	It is also recommended that the number of man days required to support the highways DM team is reviewed. If it is considered that there is a need for greater time, then this should be agreed with TfB. This will enable them to recruit the specialisms in house. Given that the cost of bringing in expertise above the fixed number of days agreed up front is so much more expensive, and given the need for the work to be carried out quickly, this might be a solution which is relatively cost neutral.		
Rec 30	It appears that there is no breakdown available for days spent by TfB on DM work. It is unclear whether days allocated in the budget have actually been used on DM work. The process certainly appears to require further investigation.	It is recommended that BCC conduct a review of the work undertaken by TfB on the highways DM work and ensure that the correct number of days has been utilised.		✓
Rec 31	It is not uncommon for other authorities that allow contractors to carry out S278 works to limit the selection of contractors to a list of companies who have further satisfied the authority in respect of a number of additional requirements.	It is recommended that S278 agreements require that contractors provide additional information about contractors.	✓	
Rec 32	BCC does not currently have standard details for construction of typical highway features. While details are provided in individual sets of S278 plans, a standard set is desirable in the interest of standardising items for future	Standard details for items such as illuminated bollards, street lighting, traffic signals, accesses, pavement construction and special paving should be provided.		✓

<p>Rec 33</p>	<p>maintenance. Innovative or non-standard design outside the scope of DMRB (for instance special paving required for aesthetic reasons, non-compliant crossings and textured paving) has led to design liability and penalties under Health and Safety legislation elsewhere on public and private roads.</p>	<p>It is recommended that any non-standard design is accompanied by a sufficient risk assessment and competent approval. They will need to be agreed by the TfB Asset Management team.</p>
<p>Rec 34</p>	<p>BCC should protect itself from future works unduly affecting the operation of the road network.</p>	<p>When S278 works are on traffic sensitive areas, it is recommended that a simple assessment of traffic delays during stages of construction and, where possible, options to minimise delays should be provided. The assessment may show the relative impact on construction cost and traffic delays of alternative options.</p>