



Buckinghamshire County Council Select Committee

Transport, Environment and Communities Select Committee

Report to the Transport, Environment and Communities Select Committee

| | |
|---------------------------------|--|
| Title: | Highways Development Management: Review and Improvement Report |
| Committee date: | 19 th April 2016 |
| Author: | Martin Dickman – Director for Environment Services |
| Contact officer: | Christine Urry –Head of Highways Development Management (01494) 475355 |
| Cabinet Member sign-off: | Mark Shaw – Cabinet Member for Transport |

Purpose of Agenda Item

This report is to provide an update following the presentation of the findings and associated recommendations of the WSP Parsons Brinkerhoff review of Highways Development Management in June last year. The report will outline progress that has been made since the review was published and will set out an action log for completion of the outstanding recommendations.

Background

Following concerns raised by the previous Chairman of the Select Committee, it was agreed that the Environment service would commission an independent review of Highways Development Management. The review was undertaken between March and May 2015 by WSP Parsons Brinkerhoff (hereafter referred to as PB).

The review process included an examination of existing procedural documents, interviews with officers and Members, as well as an assessment of a case study. The review also benchmarked with other authorities to compare with and define what 'best practice' looks like across the sector. It should be noted that it was explicitly not intended for the review to be an audit or inquiry into any one specific scheme.

The report outlined 32 recommendations, of which 12 were categorised as areas to be addressed promptly. It was however recognised that implementing solutions to each of the recommendations within the report would have both time and cost implications.

Summary

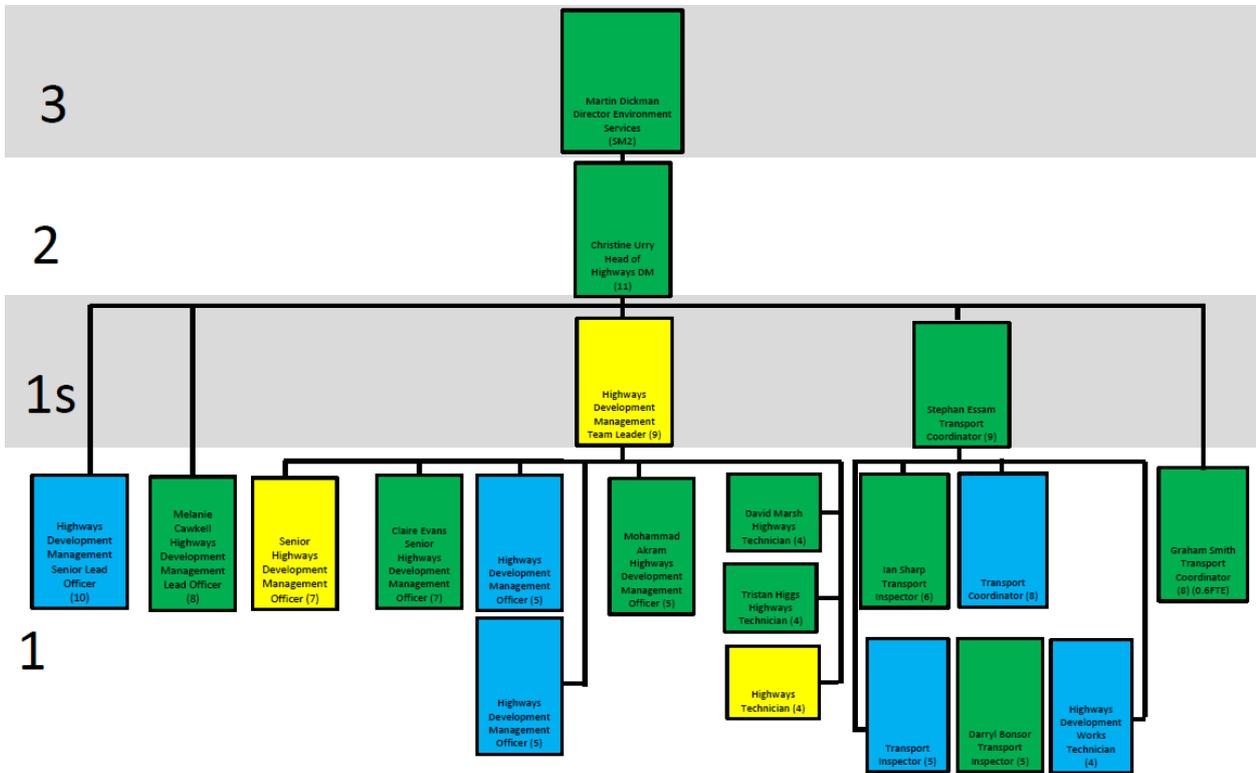
Over the past year, 11 recommendations have been completed and 5 are being progressed. This leaves 16 recommendations which still require action, as set out in appendix 1 below.



Staffing:

One of the critical concerns raised in the PB report was the ongoing staffing resource ‘deficiency’ when compared to levels at other authorities. The PB report stated that the Highways Development Management team at Buckinghamshire County Council is small in comparison to other local authorities.

As part of the MTFP an additional 5.5 posts have been secured in the team structure:



The Highways Development Management team are currently recruiting into 7 vacant posts:

- 2 x Highways Development Management Officers (R5)
- Transport Inspector (R5)
- Highways Development Management Senior Officer (R7)
- Transport Co-Ordinator (R8)
- Highways Development Management Team Leader (R9)
- Highways Development Management Lead Officer (R10)

A recruitment strategy for Highways Development Management has been developed with HR to advertise these roles within a competitive market, through a source of different channels including Facebook, Instagram and LinkedIn:





Promoting People
Sponsored · 🌐

Like Page

Find out where a career at Buckinghamshire County Council could take you!

BUCKINGHAMSHIRE COUNTY COUNCIL

**TRANSPORT
ECONOMY
ENVIRONMENT**

Rethink our communities...

Our aim within Transport Economy Environment is to manage the major growth pressures within Buckinghamshire in a tough financial climate. Commercial and innovative, we are developing policies that...

LEARN MORE

TEE-CAREERS

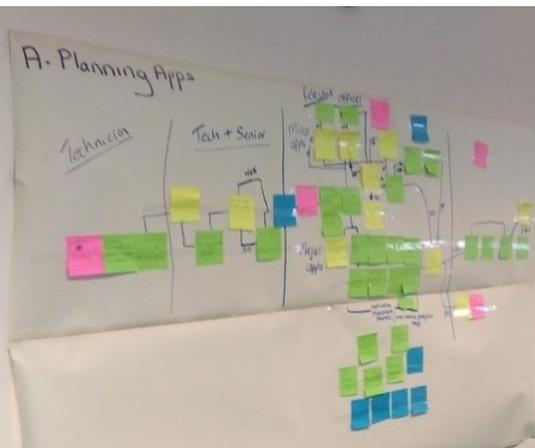
Learn More

Securing the additional posts and filling the vacancies within structure is fundamental to the delivery of the outstanding recommendations of the PB review.

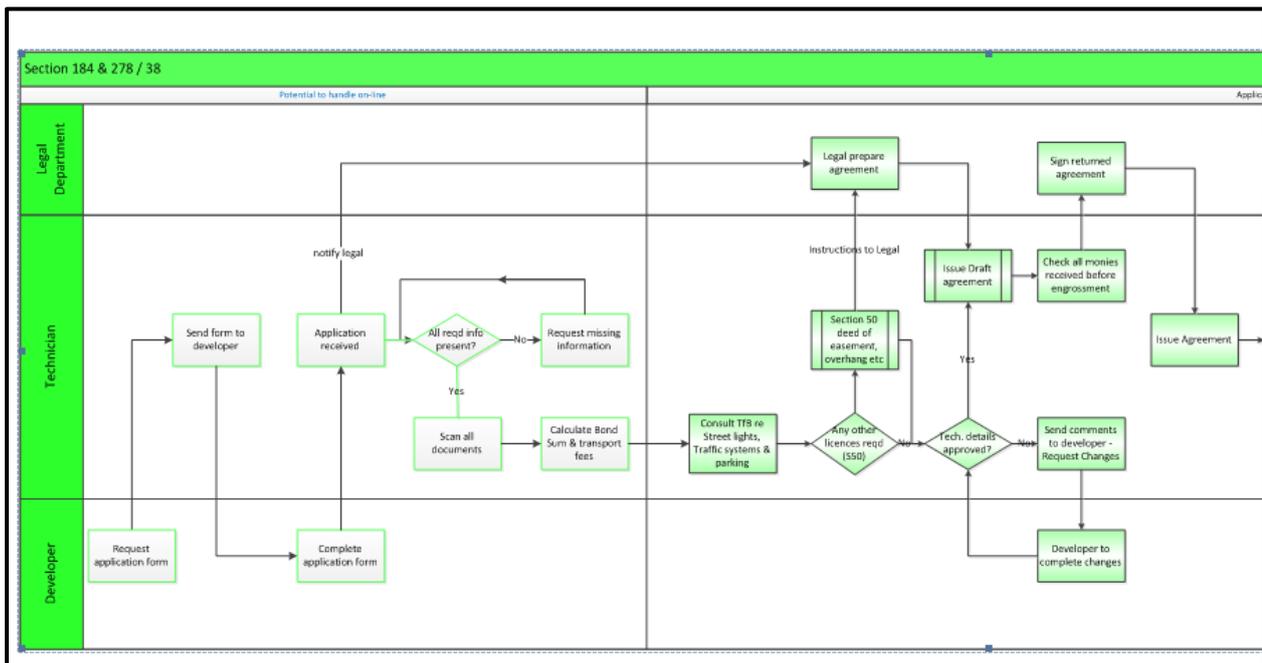
Efficiencies:

Standard wording, conditions and reasons for refusal have been developed and adopted by the Highways Development Management team. These have been included on Uniform, a planning database which can be used to store application details and generate responses. The team has received training on how to use Uniform from the operators of the system, Idox. Once all letter templates have been uploaded, the Highways Development Management team will be fully utilising Uniform to maximise efficiencies.

The team have mapped process flows for all work streams, through an agile event held by TEE's Business Improvement Team.



This piece of work highlighted efficiencies that could be made through digitalisation and better web provision:



The Highways Development Management Team is currently working with BSP’s commercial team to digitalise application forms through Firm Step, which could potentially include online payments. This will significantly improve our current service offer and customer experience.

TEE Business Improvement Team is currently working on developing a TEE Developer portal webpage (a one stop shop for Developers). This webpage will allow developers and their consultant’s easier access to all services offered within TEE, including Highways Development Management. Not only will this provide access to guidance and documents, it will also be used to market chargeable services in order to maximise income generation across the business unit.

Next Steps

Considerable change has taken place since the review last year, however it is recognised that further work is still required. An action log has been created for the outstanding recommendations and forms part of the team’s Delivery Unit Plan, please refer to Appendix 1.



Appendix 1 – Recommendations

Recommendations Completed in 2015/16

| Ref | Description | Solution | Comments |
|------------|---|--|--|
| 1 | 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. | All reasons for refusal are signed off by a Senior Member of the Highways DM team. |
| 2 | 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. | Since September 2015 the team have had a dedicated project officer. |
| 3 | 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. | Standardised wording, conditions and reasons for refusal have now been written and included in Uniform. The team have received training in Uniform and once the letter templates have been uploaded the team will be using this system to generate responses. |
| 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. | 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. | Highway works are no longer allowed to start on site until full technical approval has been issued. |
| 5 | 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. | The Business Improvement Team in TEE arranged an 'agile' event where Highway Development Management officers mapped process flows for both agreements (S278/184/38) and planning applications. In addition a check-list has been created to assist junior members of the team when assessing minor planning applications, to ensure that all issues are considered. |
| 6 | 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 | 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 | Responses to Local Development Plans are being led by the Strategic Planning Team. A member and officer growth board have been set up to ensure that the County Council provides a |

Appendix 1 – Recommendations

| | | | |
|---|--|---|--|
| | <i>time required to give serious thought to the impact of local plan developments and this may be limiting future applications.</i> | <i>LDP process should be reviewed and a lessons learned note created.</i> | <i>comprehensive response to District Consultations.</i> <i>Whilst officers in the Highways DM team would like to contribute more to the Local Development Plan process, until the new posts within the structure are filled this has to be managed against other competing demands.</i> |
| 7 | <i>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.</i> | <i>BCC should make a commitment to improve the working relationships with the planners</i> - 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. | <i>Highways DM team now regularly visit the district offices. In Aylesbury Vale and Wycombe District Council the Highways DM team have been given the capabilities to work remotely from the District Council offices.</i> <i>The Head of Highways DM has regular 1:1s with the head of planning at Aylesbury Vale District Council and Wycombe District Council.</i> |
| 8 | <i>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.</i> | <i>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.</i> | <i>See Recommendation 18</i> |

Appendix 1 – Recommendations

| | | | |
|----|---|---|---|
| 9 | <p>Despite a move towards regionalisation of roles, some BCC staff including transport co-ordinators and inspectors must cover work across the entire county</p> | <p>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</p> | <p>As part of the new structure approved as part of the MTFP there is a new inspector post, which will allow adequate coverage across the County.</p> <p>BCC are currently out for recruitment for all vacant posts and we are confident that the inspector post will be filled.</p> |
| 10 | <p>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.</p> | <p>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.</p> | <p>Highways DM has been working closely with Transport for Buckinghamshire to review the number of support days required in 2016/17. Monitoring reports are to be provided every quarter, allowing for better service management.</p> |
| 11 | <p>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.</p> | <p>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).</p> | <p>Four members of the team are currently undertaking a HNC in Engineering which they are due to complete in May.</p> <p>Learning and Development Plans have been created for all members of the team, which are updated on a regular basis.</p> <p>Due to the spending freeze, TEE has been unable to invest in a number of courses required to support training of the Highways Development Management team.</p> <p>We have however focused on work shadowing and mentoring, which has had a great deal of success. A good example of this is Ian Sharp/Graham Smith.</p> <p>Further work is currently taking place in order to ensure work force planning and succession planning is managed, in particular through Talent</p> |

Appendix 1 – Recommendations

Management.

Recommendations in Progress 2015/16

| Ref | Description | Solution | Comments |
|------------|---|--|--|
| 1 | <i>There are clear gaps in the publically available guidance on the BCC website, focussed around application and design guidance.</i> | <i>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.</i> | <p><i>Highways Development Management is currently working with Business Improvement team to produce a Developers landing page. This will include all services offered by TEE Environment Services, acting as a one stop shop.</i></p> <p><i>The BIT team have carried out customer research and have begun mapping the website.</i></p> <p><i>In addition all S184, S278, S38 application forms are to be made digital and included on Firmstep. This will offer significant efficiencies in the current process.</i></p> |
| 2 | <i>The review highlighted several documents which could provide efficiency, consistency and transparency across the development management process.</i> | <i>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.</i> | <p><i>Please refer to action log.</i></p> <p><i>It should be noted that the majority of the external documents will need to be outsourced and funding.</i></p> |

Appendix 1 – Recommendations

| | | | |
|---|--|---|--|
| 3 | <p><i>BCC's website contains the least publically available guidance of any of the surveyed authorities, and was difficult to use.</i></p> | <p><i>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.</i></p> | <p><i>Highways Development Management is currently working with the Business Improvement team to produce a Developers landing page. This will include all services offered by TEE Environment Services, acting as a one stop shop.</i></p> <p><i>The BIT team have carried out customer research and have begun mapping the website.</i></p> <p><i>In addition all S184, S278, S38 application forms are to be made digital and included on Firmstep. This will offer significant efficiencies in the current process.</i></p> |
| 4 | <p><i>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</i></p> | <p><i>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.</i></p> | <p><i>LTP4 is to be made up of several sub documents including a Highways Development Management policy document. WSP Parsons Brinkerhoff are currently drafting this document, in liaison with Transport Strategy and Highways Development Management officers.</i></p> |

Appendix 1 – Recommendations

| | | | |
|---|---|---|--|
| 5 | <p>The main issue encountered by the reviewers concerning technical approval is time taken for TfB to issue technical approval.</p> | <p>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.</p> <p>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.</p> | <p>Highways Development Management has been working a lot more closely with TfB to improve monitoring of time spent on Highways DM work throughout the year.</p> <p>In particular significant progress has been made with UTMC in terms of tracking and monitoring schemes from pre-application through to adoption.</p> |
|---|---|---|--|

Outstanding Recommendations to be Actioned:

| | | | |
|---|---|---|---|
| 1 | <p>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 as a lack of accountability for incoming developer fees on a scheme by scheme basis, and missed revenue from section 106 agreements</p> | <p>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.</p> | <p>Highways Development Management already record planning applications through Uniform and Highway Agreements using excel. The two programmes are however not linked.</p> <p>The team will investigate options for tracking the life-cycle of planning applications, including archiving of documents. This may require development of a database.</p> <p>This will need to be outsourced and funding secured.</p> |
|---|---|---|---|

Appendix 1 – Recommendations

| | | | |
|---|---|--|---|
| 2 | <p>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.</p> | <p>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.</p> | <p>Process flows have been created for Section 278 Agreement. This will be developed into a protocol, using best practice of other highway authorities.</p> |
| 3 | <p>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).</p> | <p>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.</p> | <p>Highways DM currently save all planning application responses and associated files on the N-Drive. A new process will be created for the handover of files – including a meeting with officers (as per recommendation 07/21).</p> <p>The handover should be assisted through the creation of a database to track the lifecycle from planning application to agreement (recommendation 05).</p> <p>This will come into effect when the team is fully resourced and can dedicate sufficient time to compiling and attending handover meetings.</p> |
| 4 | <p>To the review team's knowledge, TEE does not currently have standard drawings in place for common highway features.</p> | <p>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.</p> | <p>Standard Details will need to be created in consultation with Transport for Buckinghamshire.</p> <p>The development of Standard Details will need to be outsourced and funding secured.</p> |
| 5 | <p>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.</p> | <p>Standard details for items such as illuminated bollards, street lighting, traffic signals, accesses, pavement construction and special paving should be provided.</p> | <p>Standard Details will need to be created in consultation with Transport for Buckinghamshire.</p> <p>The development of Standard Details will need to be outsourced.</p> |

Appendix 1 – Recommendations

| | | | |
|----|---|--|---|
| 6 | <i>Developers are referred to national guidance such as the Manual for Streets regarding design and construction.</i> | <i>It is recommended BCC produce supplementary or standalone design, construction and/or materials guides for development work in the county.</i> | <i>The development of design, construction and/or material guides would need to be outsourced and funding secured.</i> |
| 7 | <i>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.</i> | <i>It is recommended that S278 agreements require that contractors provide additional information about contractors.</i> | <i>Highways DM to produce a list of requirements for contractors working on the publicly maintained highway, considering best practice from other councils.</i> <i>In the meantime Highways DM have been carrying out more comprehensive checks of contractors, including obtaining references from other authorities.</i> |
| 8 | <i>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.</i> | <i>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.</i> | <i>Procedure for dealing with correspondence from residents and councillors to be developed by Highways Development Management in consultation with the cabinet member.</i> |
| 9 | <i>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.</i> | <i>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.</i> | <i>This will be taken forward with legal services.</i> <i>The existing guidance notes will need to be revised by Highways DM.</i> |
| 10 | <i>S278 guidance documents will help to reduce the burden on DM officers when dealing with S278 works.</i> | <i>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.</i> | <i>Guidance notes and Fee schedules to updated and revised by Highways DM.</i> |
| 11 | <i>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.</i> | <i>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.</i> | <i>Check lists and sign off sheets to be created for use within the inspection process, building on the work already undertaken by the Highways DM team.</i> |
| 12 | <i>BCC should protect itself from future over-</i> | <i>The S278 agreements should be amended to</i> | <i>This will be taken forward with legal services.</i> |

Appendix 1 – Recommendations

| | | | |
|----|---|---|--|
| | <i>running schemes and poorly performing contractors.</i> | <i>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.</i> | <i>There is a need to review our standard legal agreements.</i> |
| 13 | <i>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.</i> | <i>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.</i> | <i>In order to offer this level of service additional resources will be required (please refer to recommendation 09).</i> |
| 14 | <i>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</i> | <i>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.</i> | <i>In order to offer this level of service additional resources will be required (please refer to recommendation 09).</i> |
| 15 | <i>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.</i> | <i>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.</i> | <i>Highways DM to create a process of assessing non-standard designs in consultation with TfB Asset Management.</i> |
| 16 | <i>BCC should protect itself from future works unduly affecting the operation of the road network.</i> | <i>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.</i> | <i>Highways DM to create a process for assessing traffic management on sensitive roads in consultation with TfB Street works team.</i> |

Appendix 1 – Recommendations

Action Log for 2016/17

| 2016/17 | BCC Lead | Highways DM Lead | By When | Signed Off |
|---|---|-------------------------|---|-------------------|
| Recruitment into the posts secured through MTFP | Rob Taylor BSP | Christine Urry | Adverts end of March for interviews in April 2016 | |
| Implementation of PPA and Pre-application charging and protocol | | Melanie Radley | May 2016 | |
| Revise the scheme of delegation for Highways Development Management | | Christine Urry | May 2016 | |
| Developer landing page to be completed | Lucy Fenton BIT | Christine Urry | TBC | |
| Online application forms and online payment options implemented | BSP | Ian Sharp | TBC | |
| Update Section 278/38/184 fee schedule | | Steve Essam | June 2016 | |
| Update Section 278/38/184 guidance notes | | Steve Essam | June 2016 | |
| Updated Section 278/38/184 Agreements | | Steve Essam | June 2016 | |
| A bridge agreement between S184 and S278 and protocol | | Steve Essam | July 2016 | |
| Standard Section 278/38/184/106 instructions to legal | | Steve Essam | June 2016 | |
| Development of TfB process flows | Martin Healey – Transport for Buckinghamshire | Christine Urry | TBC | |
| Communication Policy | | Claire Evans | August 2016 | |
| Infrastructure Contributions Guidelines and Processes (S106/CIL) | John Rippon – Growth and Development | Christine Urry | TBC | |
| Highways Development Management Policy document | Ryan Bunce – Transport Strategy | Melanie Radley | July 2016 | |
| Inspector Checklist | | Ian Sharp | August 2016 | |
| Adoption Checklist and processing guidance | | Ian Sharp | | |
| Incoming processing guidance | | Christine Urry | July 2016 | |
| Email/post handling guidance | | Joseph Bates | June 2016 | |

Appendix 1 – Recommendations

Action Log for 2017/18

| 2016/17 | Comments |
|--|--|
| Standard Details | This will require funding, as will need to be commissioned externally |
| Development Design Guide | This will require funding, as will need to be commissioned externally |
| Development Material Guide | This will require funding, as will need to be commissioned externally |
| Development Construction Manual | This will require funding, as will need to be commissioned externally |
| Commuted Sums Protocol | |
| Rural Diversification | This will require funding, as will need to be commissioned externally |
| Equality Analysis | |
| Section 38/278 bond calculation sheets | |
| S106 developer contrition negotiation and spending tracker | This will need to be led by Growth and Development who are responsible for the monitoring and implementation of S106 monies. |
| Infrastructure needs identified for S106 | This will be developed through work on the District Local Plans |