

# THE HOME BUILDERS FEDERATION



## HBF HIGHWAYS GROUP (HG) MEETING NOTES

Friday 19th January 2018  
10.00am start

HBF House, 27 Broadwall, London, SE1 9PL

### PRESENT

Matthew Norris	Croudace	Phil Marshall	Royal Haskoning DHV
Sam Yousef	Bellway	Richard Clivert	Bellway
Isobel Craig	MA Infrastructure (dialled in)	Steve Wielebski	(dialled in)
David Dodge	William Davis (dialled in)	Simon Piggott	MA Infrastructure (dialled in)

### IN ATTENDANCE

Craig Ferrans	HBF	Ruth Scott	HBF
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### APOLOGIES

Ray Farrow	T-D-S	Robin Bishop	T-D-S
Tim Haines	Countryside		

#### 1.00 Welcome, Introductions and apologies

#### Action

1.01 CF opened the meeting and welcomed everyone. The group introduced themselves. Apologies were accepted from those listed above.

#### 2.00 Review of scope and Terms of Reference

2.01 CF explained to the group the reason the HG has been created. Feedback from regional technical meetings suggests that the whole issue of getting roads adopted is an absolutely key issue. The need for a dedicated forum to develop a strategy to address delays, ensure competitive practices,

actively engage with Local Authorities and other external key stakeholders is quite clear.

- 2.02 CF ran through the draft ToR and asked the group on their thoughts, whether anything needed amending or adding on.

Group had a general discussion on how HBF can support developers in getting the right messages across.

DD noted that a discussion should be had on the alternatives to s38 highways adoptions and if this should feature in the ToR. This was noted and will be added under sharing best practice and understanding.

It was suggested that a register is created which includes all key contacts that members can get in touch with when experiencing problems with highway matters.

MN put forward that the wording '278 adoption' is taken out and 'Commuted Sums' is added as the second objective in the ToR.

SW expressed that HBF need a point of contact within DFT (Department for Transport) so we can voice the issues house builders are having.

**Action:** ToR to be updated and circulated to the group.

**HBF**

### **3.00 Section 38/37 - Group discussion**

- 3.01 **Action:** HBF to commission someone to write guidance on 'what the highways act means to Highways Authorities' and what is expected. Group to discuss the scope of this work at the next meeting. CF to understand what resource is available.

**CF**

SEW noted that the HBF created a position statement back in November 2008, which was a review of section 38 highways act 1980 – commuted sum payments.

**Action:** Position statement to be sent to group.

**RS**

- 3.02 MN highlighted that there is a major issue with timescales involved in the process and is causing major delays in the delivery of new development and DfT needs to be made aware of this.

- 3.03 HBF to collect info on Section 38's.

**Action:** Group to share some examples of the problems they have/are facing and name the Highways Authorities which cause these problems. This should also include those HA's that's perform well.

**ALL**

- 3.04 It was suggested that as well as engaging with DfT, HBF should engage with regional forums on Highways Authorities. HBF could pick up local contacts through their regional technical meetings.
- 3.05 Lack of consistency with HA's needs to be discussed. It was suggested that the Chartered Institute of Highways and Transportation are approached to develop a relationship and share what best practice should look like. <http://www.ciht.org.uk/> **HBF**
- 3.06 **Action:** MN to speak with Hampshire HA on what they're doing and invite them to the next meeting. **MN**
- 3.07 s37 was discussed around the table. Using s37 requires the developer to present a road that meets the highway authority's exact requirements and it can be demonstrated that residential estate roads are of a sufficient public utility.
- 3.08 If any members have successfully completed a s37 or a s228, please email CF with your experiences, so that this can be shared and used to develop best practice within the HBF. CF to also discuss with the wider membership. **ALL**
- 3.09 **Action:** HBF to put together a formal letter to the DfT; raising issues that have been spoken about during this meeting, so they are made aware and can respond in time for the next meeting. **HBF**
- 3.10 Adoption means the highway authority agrees to undertake maintenance of the road from an agreed date at the public expense. The highway authority will be either the Secretary of State for Transport or the Local Highway Authority. As it is at the public expense, it is felt that the highways authority uses the developer to maintain the roads for as long as possible, therefore taking longer than should be expected.
- 3.11 It was noted by one member's experience, that if the drainage had not been adopted then the HA had refused to adopt the road. **Action:** Include s100 Highways act that notes that any road drainage must have an effective outfall and not an adoptable sewer. This should feature in the Frequently Asked Questions section that HBF will put together with members assistance. This will develop a consistent message across industry. **HBF**
- 3.12 Members stated that inspection fees seem to vary, which comes back to the point that HA's aren't consistent.
- 3.13 There has been a consistent lack of communication within LA's between the Planning and Highways department. This has caused further delays in that even though Planning Approval has been granted, the highways involvement has been so poor that it has meant that the scheme has needed to be re-submitted to satisfy Highways.
- 3.14 SEW suggested that all of these experiences need to be documented and shared with the DfT to highlight that we need improved performance and a process that actually works. **Action:** HBF to start to pull together a position paper to share with the DfT. See 3.09 **HBF**

#### **4.00 Section 278 – Group discussion**

- 4.01 RC noted that he has had pre-application discussions with the construction programme, so that the HA knew from day one the anticipated schedule of works but had not progressed matters any more quickly.
- 4.02 s278 cause more delays as developers can't start on site until they are signed which may mean developers may be deterred from buying the land because of a s278 requirement.
- 4.03 DD explained that they have experienced that road space bookings will not be considered until the s278 is signed. Road space booking has then in turn taken 14-16 weeks to be agreed, pushing the development timescales back even further.
- 4.04 **Action:** HBF to create a flow chart of the process. **HBF**
- 4.05 MN suggested HBF should set out what a reasonable amount of time is needed for highway approvals.
- 4.06 DD proposed using independent inspectors to approve works to speed up the process.
- 4.07 It was recommended that HBF work with HA's in getting them to publish their inspection fees against resource they've supplied - this can be captured by the Freedom of Information request that HBF will put together. **HBF**  
Reflect this against developments and use the total numbers of plots HAs have inspected over a year.
- 4.08 s38 and s278 conditions should have a deemed discharge approval mechanism built in to prevent delays caused by under-resourced or inefficient Highways departments.
- 4.09 DD suggested that we also ask, under a Fol, what are the average timescales to process a s38 and s278 - start to finish. This would allow the opportunity to prepare a league table.
- 4.10 CF noted that some HA's have dictated that both the design and construction of the s278 works is carried out by them and it has not been possible to progress through a competitive tender. This has been experienced in various degrees by members of the group.

#### **5.00 Bonding**

- 5.01 Staged adoption was discussed and there were differing approaches shared across the table, understanding a consistent process would be advantageous. This could be written into the HBF guidance moving forward.
- 5.01 It was agreed with the group that within the Fol request, the HBF will put together, the question 'whether the HA has needed to call in any bonds during a development'.
- 5.02 CF noted off the back of this information, we should consider a challenge to kick back against the typical 100% plus bonding arrangements based on

the evidence presented. This is in consideration of the 10% bonding requirement needed for the Water & Sewerage Sector.

- 5.03 DD: William Davis have been asked for a significant fee to extend the bond due to the HA delays. **CF**

Have other members experienced this with HA's? CF to ask the wider membership.

- 5.04 Some members resort to using other organisations other than NHBC, when it comes to bonds.

**Action:** Invite NHBC to the next meeting regarding bonds and to share what can be done in this space.

MH suggested NHBC foundation to also come along so they can share best practice.

- 5.05 Bond reduction points are not consistent throughout HA's.

- 5.06 CF to get in touch with University of Cambridge re the 'Road and Sewer Bonds in England and Wales - Summary report to the NHBC.' For an update if available. **CF**

## **6.00 Commuted Sums**

- 6.01 MN gave an example where he had been asked for commuted sums for special street lighting/furniture. 'Special Items' seems not to be consistent and this should be pursued. MN also reported that he has also been asked for commuted sums for standard tarmac roads by a county council.

- 6.02 **Action:** CF to contact the North West Redrow office, who have appealed a commuted sum decision. **CF**

- 6.03 DD explained that William Davis are constructing a 5.5-meter road, but the LA say that a 4.8-meter road would be more appropriate due to the plots being served. William Davis are future proofing the road to extend the road for future development and are now falling foul of commuted sums payment.

- 6.04 RC noted that Bellway have been given a commuted sums for trees, which leads to them having to move their services, and wondered if other members have experienced this.

MD explained that Hampshire HA are asking for compensation to remove trees under s278, though Hampshire does not have a policy on this.

## **7.00 Moving forward**

- 7.01 Action points were agreed throughout the meeting.

## 8.00 Any other business

8.01 **Action:** CF to share the 'Climate Change: 3 steps to build resilient roads report' which will be sent round to the group. **CF**

8.02 A member raised the topic of electric car charging; stating that 20% of residential parking developed in London needs to have electric car charging points installed.

8.03 HBF / this group need to come up with ideas in which will broaden the membership for the group. It was suggested by IC that HBF contact members who have previously raised highway issues before. It was also suggested that it may be best for HBF to contact the consultants that deal with s38 and s37s on behalf of the developers.

DD recommended letting members know how well the conference call worked for the meeting, which should hopefully create more traction for members to join the group.

8.04 DD suggested that HBF create a technical blog on their website, for members to share the problems they are facing or share best practice. Meeting attendees agreed this was a good idea and CF said he would take this back to the IT team at HBF for discussion. **CF**

SP also suggested that within the technical blog HBF could add in an 'API key' live web chat forum. This is to also be discussed with HBFs IT team.

8.05 Members agreed it would be useful to have the Highways and Water and Sewerage Futures Group (WSFG) meetings on the same day, as this may create more traction for members to attend. **Action:** HBF to review meeting schedule.

8.06 RC raised advance payment code and s220 notice, RC is being hit with APC when registering with the NHBC rather than the passing of plans, hitting the developer before planning permission has been granted in some instances and are now receiving APC notices.

8.07 SY noted the use standard and short form legal agreements, though there is no clear procedure on what developers expect from standard agreements and questioned whether further HBF work could progress on this. CF to add to the action list.

## 9.00 Next Meeting Date

9.01

- Monday 30<sup>th</sup> April 2018