

Portfolio Holder Decisions/Leader Decisions

Tuesday 26 April 2022

Minutes

Attendance

Committee Members

Councillor Andy Jenns

Councillor Wallace Redford

Councillor Isobel Seccombe OBE

1. Developer - Funded S278 Highway Scheme Approval

Resolved

That the Portfolio Holder for Finance and Property gives approval to the addition of the following s278 fully developer-funded highway improvement scheme to the Capital Programme for 2022/23.

a) A428/045 Rugby Rd, Binley Woods of approximate value £80,000.00

2. Warwickshire Pension Fund - GMP RECTIFICATION REPORT

Resolved

The Leader approves the decision not to seek to recover any past overpayments of pension made to members of the Warwickshire Local Government Pensions Scheme which have been identified through the HMRC guaranteed minimum pension reconciliation exercise.

3. Commission Social Work Recruitment

Resolved

That the Leader of the Council:

1. approves an appropriate procurement process to access an existing framework, "Provision of Clinical and Healthcare Staffing (RM6161)", for the provision of temporary social workers.
2. authorises the Strategic Director for People to enter into all relevant contracts for the provision of temporary social workers in consultation with the Portfolio Holder for Children, Families and Education and on terms and conditions acceptable to the Strategic Director for Resources.

4. Mappleborough Green - TRO Objection

Resolved

That the below named Traffic Regulation Orders be made as advertised:

- The Warwickshire County Council (Mappleborough Green) (A4189 Warwick Highway) (Stratford On Avon) (No Right Turn) Order 2022

- The Warwickshire County Council (Mappleborough Green) (A4189 Warwick Highway) (Stratford On Avon) (U-Turn Ban) Order 2022

5. Proposed Decision to be taken by the Portfolio Holder for Customer and Transformation on or after January 2022

Resolved


The recommendations were approved as set out in the exempt report

6. Proposed Decision to be taken by the Portfolio Holder for Children's Services on or after January 2022

Resolved

The recommendations were approved as set out in the exempt report

Portfolio Holder Decision Developer - Funded S278 Highway Scheme Approval

Portfolio Holder	Portfolio Holder for Finance and Property
Date of decision	26 April 2022
	Signed  pp

1. Decision taken

1.1 That the Portfolio Holder for Finance and Property gives approval to the addition of the following s278 fully developer-funded highway improvement scheme to the Capital Programme for 2022/23.

- a) A428/045 Rugby Rd, Binley Woods of approximate value £80,000.00

2. Reasons for decisions

2.1 On 14th May 2021 Council reconfirmed the delegated power to the Leader, or body nominated by them, to approve the addition to the Capital Programme of projects costing less than £2.0 million, which are fully funded from external grants or developer contributions or from revenue. The Portfolio Holder for Finance and Property is that nominated body.

3. Background information

3.1 A428/045 Rugby Rd, Binley Woods

A planning application was submitted to Rugby Borough Council by Lioncourt Strategic Land in respect of a development on land off Rugby Road, Binley Woods. Planning permission was granted on 20 August 2021 (ref: R18/2076) for the erection of 80 residential dwellings. The planning permission requires the developer to undertake highway improvements by the construction of a new development access, moving a bus stop and installing a pedestrian crossing.

4. Financial implications

4.1 As the new highway assets which are being created through these schemes will come

on to the Council's balance sheet once completed, the costs incurred by the Council need to be treated as capital expenditure.

4.2 Section 278 schemes are fully funded by developer contributions which are ring-fenced for the schemes described in the sections above. There are no alternative uses for the contributions and the addition of these schemes will not affect the overall level of available capital resources.

4.3 Procurement and subsequent award of construction contracts will only take place subject to the applicable Section 278 agreements being signed, which will provide 100% of the funding. The commencement of the works is dependent on the completion of the technical review, procurement and contractor mobilisation processes. Any slippage or increase in costs due to changes in the scope of the works will be reported in the normal quarterly monitoring process

5. Environmental implications

5.1 The environmental impacts of developer-funded highway schemes are considered through the planning approval process.

5.2 The contractors on the Council's Framework Contract for the Provision of Engineering and Construction Works (WCC 6012) have all demonstrated that they hold a certificate of compliance with BS EN ISO 140001 (or equivalent) or have otherwise satisfactorily demonstrated their policies and arrangements for the management of construction-related environmental issues.

Report Author	Ian Stuart ianstuart@warwickshire.gov.uk,
Assistant Director	Scott Tompkins - Assistant Director – Environmental Services
Strategic Director	Mark Ryder - Strategic Director for Communities
Portfolio Holder	Portfolio Holder for Finance and Property

Urgent matter?	No
Confidential or exempt?	No
Is the decision contrary to the budget and policy framework?	No

List of background papers

N/A

Members and officers consulted and informed

Portfolio Holder – Councillor Peter Butlin

Corporate Board – Mark Ryder

Legal – Ian Marriot

Finance – Andrew Felton

Equality – n/a


Democratic Services – Isabelle Moorhouse

Councillors – Warwick, Singh Birdi, Boad, Philipps and W Roberts

Local Member(s): Cllr Timms (Earl Craven)

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Leader Decision Warwickshire Pension Fund - GMP RECTIFICATION REPORT

Portfolio Holder	Leader of the Council
Date of decision	26 April 2022
	Signed 

1. Decision taken

The Leader approves the decision not to seek to recover any past overpayments of pension made to members of the Warwickshire Local Government Pensions Scheme which have been identified through the HMRC guaranteed minimum pension reconciliation exercise.

2. Reasons for decisions

- 2.1 Since 2015 a national exercise has been ongoing to reconcile the guaranteed minimum pension (GMP) value held on the records of members of pension funds with the values held by HMRC in respect of those members and funds. Whilst the majority of records held by both the public and private sector matched to the data held by HMRC, there were a number of discrepancies resulting from incorrect or incomplete information being passed between scheme employers, pension funds and HMRC. With the ending of contracting out and the scaling down of the HMRC team, all Pension Funds were required to reconcile their data with HMRC and agree the correct records. As a result of this exercise, certain members have been identified as having been underpaid pension and other having been overpaid pension nationally and within the Warwickshire Local Government Pension Scheme (“the Fund”).
- 2.2 With regard to underpayment cases, the Fund’s intention is to write to all pensioners and dependents who have suffered an underpayment setting out the correct pension they should now be in receipt of and confirming the historic underpayment. The Fund expects to correct the pension in payment and make payment of the historic payments owed as soon as practically possible. In line with Regulations applying to the Local Government Pension interest will be paid on all underpaid amounts. The average underpayment is £118 per year.
- 2.3 With regard to overpayment cases, the pension in payment must be adjusted to the correct value going forward as the Fund cannot knowingly make incorrect payments to any scheme member. This will be done in consultation with each affected member and with no less than 2 months’ notice of any change. However,

a decision is also required on how to deal with the historic overpayments.

- 2.4 The Fund has had regard to a guidance note issued by the Local Government Association (LGA) in 2017 which addressed the recovery of overpayment of pension in these circumstances. It is recommended that, in line with this guidance, the Fund does not seek to recover the overpayments for the following reasons:
- a) Given the complexities around GMP rules, it would be unfair to assume that the affected member could have had any knowledge or understanding at an earlier time that this resulted in their pension being overpaid.
 - b) Most people affected are likely to be elderly and vulnerable and already facing rising inflation and costs of living. These factors could impact the Fund's ability to recover some or all of the overpayment and lead to additional unrecoverable costs in taking any recovery action
 - c) The average overpayment is £195 per year (although the maximum total historic overpayment identified to date is just under £28k). It will not be cost effective in many cases to pursue the overpayments as debts, given the volume of cases, the costs of legal action and the low value per claim.
 - d) It is arguable that the Fund could have discovered the overpayments itself at an earlier point in time which could render some claims time barred under limitation rules.
 - e) This is the approach that has been taken by the majority of LGPS and public sector funds in the same situation.

3. Background information

- 3.1 For all records in scope, analysis of the data held by HMRC and on the pension record was completed to determine the correct level of GMP. That analysis has identified cases where pensions have been overpaid, and cases where pensions have been underpaid.

A final data cut was released by HMRC in 2019, requiring funds to undertake work to correct the GMP information held on member records and subsequently correct their pension payments.

- 4.1 Progress was affected during 2020 and 2021 by resourcing issues but additional resource was brought in from August 2021 and the reconciliation activity has been completed by 31 March 2022.
- 4.2 The delay in processing these cases has meant that the correction of pensions in payment has taken longer than anticipated

4. Financial implications

4.1 The Fund had 1,302 cases to review. This is where the data from HMRC and what was held on the pension record did not match and it was likely that there would be an under or over payment>

- Average value of underpayment £118 per year

- Average value of overpayment £195 per year
- On average most payments have been incorrect for approx. 17-18 years

Total cost to pension fund (as of 31 March 2022)

- Overpayments £2.2m for 1180 cases
- Underpayment £45k for 122 cases

All costs are payable from the Warwickshire Pension Fund and there will be no financial impact on the County Council or any other bodies that form part of the Warwickshire Pension Fund.

5. Environmental implications

5.1 None

Report Author	Liz Firmstone, Victoria Jenks lizfirmstone@warwickshire.gov.uk, vickyjenks@warwickshire.gov.uk,
Assistant Director	Andrew Felton Assistant Director for Finance
Strategic Director	Rob Powell Strategic Director for Resources
Portfolio Holder	Leader of the Council

Urgent matter?	No
Confidential or exempt?	No
Is the decision contrary to the budget and policy framework?	No

List of background papers

None

Members and officers consulted and informed

Leader – Councillor Izzi Seccombe

Corporate Board – Sarah Duxbury, Rob Powell

Legal – Sarah Cowen

Finance – Andrew Felton


Equality – Keira Rounsley

Democratic Services – John Cole

Councillors – Warwick, Birdi, Boad and Philipps

Local Member(s): n/a

Portfolio Holder Decision Commission Social Work Recruitment

Portfolio Holder	Leader of the Council
Date of decision	26 April 2022
	<p>Signed</p>  <p>pp</p>

1. Decision taken

That the Leader of the Council:

1. approves an appropriate procurement process to access an existing framework, "Provision of Clinical and Healthcare Staffing (RM6161)", for the provision of temporary social workers.

2. authorises the Strategic Director for People to enter into all relevant contracts for the provision of temporary social workers in consultation with the Portfolio Holder for Children, Families and Education and on terms and conditions acceptable to the Strategic Director for Resources.

Reasons for decisions

- 2.1 Warwickshire requires sufficient social workers to fulfil our statutory duties to safeguard and support children in need of help, protection, and care. Our primary approach is through WCC recruitment for permanent social workers. If this is not achievable then we recruit through agencies. The preferred provider is the corporate Pertemps agency who are a supplier and a broker through other agencies. However, this arrangement does not meet our requirements and so we need to commission a dedicated social worker provider with a national presence.

- 2.2 We have identified an appropriate agency as being able to meet this requirement and are seeking to engage this organisation via a framework that was put in place by the Crown Commercial Service and the NHS Procurement in Partnership (under their joint banner of Workforce Alliance). This framework provides a free and compliant route for temporary staffing resource for the NHS and other public sector bodies. Approval is required, to enable a two year contract to be put in place, which will be at a cost of over £1m.

Background information

Summary of the context of Children and Families social work:

- 3.1 There is a national shortage of social workers who are experienced in working within children and families. This shortage is across the market, for temporary and permanent contracts, within both local authorities and recruitment agencies. The DfE data reports a national increase in the number of vacancies, to 7%, which is the highest in at least five years. There is also a 3% increase in agency usage this year. Nationally, this is the fourth consecutive yearly increase of agency social workers, with just over three quarters covering vacancies.
- 3.2 Warwickshire current establishment is 366 FTE social workers, we currently have about 7% vacancies and 9.5% agency social workers. This establishment is overseen by the Assistant Director and Finance Officer on a weekly basis. Our agency requirements fluctuate over time, in response to demand pressures, staff turnover and absence cover. Our primary recruitment strategy is through direct recruitment of permanent social workers. If this not achievable then we seek recruitment from agencies.
- 3.3 Caseload levels for social workers are reported nationally. The DfE recently reported that the caseloads had reduced and plateaued at 16.6 per FTE social worker. Our average caseload for an FTE social worker in October 2021 had reduced to 13.8. This was recognised in our Ofsted Inspection:
Workloads are manageable, enabling social workers to have the time to work effectively with children and families. Caseloads have reduced, despite increased demand for services, in part by increasing the number of social workers above those within the authority's structure to ensure that children receive good services. Inspection dates: 22 November to 3 December 2021
However, since November 2021, our average caseloads have continued to increase each month, this is now 17.4 across the children's teams and 14.8 in the fostering teams. There is a high risk that will continue to rise if we do not continue to access multiple recruitment streams.
- 3.4 Nationally, the sickness levels have remained consistent, average of 3.1%, despite the pandemic. In Warwickshire, our sickness absence is 10.8 days per FTE, with about a third reported to be related to stress and mental health issues. A national survey reported that over the past 2 years, over half of social workers are considering leaving the profession, due to unmanageable caseloads, rising pressures and a lack of resources. Turnover in the West Midlands region is the highest at 21%. Our strategic focus on retention has sustained this at 12.9%. This turnover has an impact upon relationship based social work and impacts upon improvements for children.

Overview of our social work recruitment process:

- 3.5 Our corporate recruitment contractor is currently providing 37 agency social workers and have secured 50 social workers over the last year. This has become much leaner in the last 6 months, with only 17 social workers placed (7 direct and 10 brokered from 7 different recruitment agencies). We hold quarterly review meetings with Pertemps to support meeting our requirements. They now have a dedicated positions for improving marketing of WCC conditions/culture and their supply chain management. There are ongoing challenges with rates and other authorities recruiting for completing specific discrete tasks rather than to be the allocated social worker for children.

- 3.6 In December 2020 there were exceptional circumstances due to the covid pandemic which impacted upon the needs of families, the accessibility of other support and increased pressures within our own social worker workforce. To maintain our workforce levels, we procured services from Service Care Solutions Ltd (SCS) to support social worker recruitment not met by the Pertemps contract. The quality assurance of these exemptions is overseen by the Assistant Director. SCS have been able to supply high quality candidates that other agencies have not been able to do.
- 3.7 We also commenced a single year contract with Liquid Personnel in August 2021, under the ESPO Framework 3S_18 – Strategic HR Services. This contract is to seek 40 experienced social workers who are then employed as permanent Warwickshire staff. This is to attract talent nationally towards Warwickshire, with additional relocation and settling in support. This is achieving some success, currently meeting 50% of the target despite extensive efforts overseen in monthly contract management meetings.
- 3.8 Our goal is to continue to maximise the direct recruitment of WCC social workers. Operational Leads proactively recruit to agreed vacancies to reduce the requirement for agency social workers. The utilisation of agency is reported to our Senior Leadership on a bimonthly basis to oversee the exit planning within each Service.
- 3.9 We continue to make extensive efforts to implement our Children and Families Workforce strategy which commenced in May 2021, focusing on both social worker retention and recruitment. We will review this in May 2022 to ensure prioritisation of key drivers. Our ambition is to continue to improve the stability of our workforce and provide outstanding services for the children and families of Warwickshire.

Decision required to commence new contract under existing framework:

- 3.10 We are now seeking approval to initiate procurement for the supply of temporary social workers through an agency. This would be under the NHS Workforce Alliance Provision of Clinical and Healthcare Staffing Framework (RM6161) under Lot 5 Social Care Staffing. We need this approval to enable a longer-term contract to be put in place, which will be at a cost of over £1m. This agreement will enable us to continue to fulfil the statutory duties of Children's services, to retain a safe and manageable case load and to provide stability within our workforce. This supports a higher quality service for the families of Warwickshire.

Financial implications

There is a risk that any reduced use of Pertemps will have an impact on the County Council's contract, due to the fee and rebate that the Council receives from Pertemps. Pertemps will remain our primary provider and this framework will only be used when Pertemps have not secured social workers. This presents a risk to the Council as a proportion of the income/savings from the Pertemps contract is included in the MTFs. This was considered on 14/02/2022 by Procurement and Contract Management Board who agreed that they would accept this risk, as it was balanced against a high and immediate risk of insufficient social workers to safeguard children.

6. Environmental implications

None.

Report Author	Jo Davies jodavies@warwickshire.gov.uk,
Assistant Director	John Coleman johncoleman@warwickshire.gov.uk
Strategic Director	Nigel Minns nigelmins@warwickshire.gov.uk Strategic Director for People
Portfolio Holder	Leader of the Council

Urgent matter?	<i>No</i>
Confidential or exempt?	<i>No</i>
Is the decision contrary to the budget and policy framework?	<i>No</i>

List of background papers
Workforce Strategy Review 2021

Members and officers consulted and informed
<ul style="list-style-type: none"> • Portfolio Holder – Cllr Jeff Morgan, Portfolio Holder for Children and Education • Legal –Nicola Vine/Paul Fairweather, Strategy & Commissioning Manager • Commissioning - Oliver Cooper/John Hopper, Procurement, CSU • Finance – Brian Smith • Equality – Keira Rounsley • Democratic Services – Isabelle Moorhouse • Corporate Board – Nigel Minns

Portfolio Holder Decisions/Leader Decisions

Tuesday 26 April 2022

Minutes

Attendance

Committee Members

Councillor Wallace Redford

Officers

Joanne Archer, Delivery Lead Planning & Highways Development Management

Daniel Richardson, Engineer Level 2

Isabelle Moorhouse, Democratic Services Officer

Chris Round, Senior Highways Engineer (Contractor)

Public Speakers

Clive Berry

Maureen Berry

1. Mappleborough Green – TRO Objection

Councillor Wallace Redford stated that the purpose of the meeting was so the public speakers' points could be heard by him directly.

Mr Clive Berry made the following statement: "Warwickshire's Highways team had 6 years to consider the care home development outside their home and they made no objections because the right turn was addressed with planners. There were two different schemes agreed with the planners and all the interested parties. We however, had no notification and were given only a few days' notice for the TRO (traffic regulation order); we were not consulted with. As background, I calculated that if my wife and I left and returned to our home once per day, since we took up residence, we would have used this junction 50,000 times. If you add friends, families, employees etc. then this would be more likely be excess of 100,000 times; all this without a single traffic incident I'm aware of in all that time. The development has taken 14 months to complete the nursing home to which we have no objections. During that time we've had many vehicles entering and exiting the site, some of these vehicles had 30-40 people on them. Again over 14 months has there been any traffic incidents that I'm aware of. I'm here really to put forward a case for compromise as clearly this proposed road alteration has a major affect on the enjoyment of our property, which we have enjoyed uninterrupted for 43 years. The design process and road safety audit are allegedly flawed; the designers apparently omitted our property from our plans totally. And the safety audit has also conveniently omitted our driveways and therefore no consideration of our needs were given. If due consideration was taken at the design stage, and our driveway had been included, then alternative solutions could have been achieved reducing the restriction on ourselves. For example: a single lane ingress exit proposed alteration

(that they were told would stop people turning right into the care home but allowed them to turn right into their property), reducing the length of the alteration by two to three metres to allow our current access, by reducing the swing size of the new development which has been extended by seven metres, redesigning the access and exit on the nursing home as approved on its own planning approvals, given Highways original approval. The original plans at that stage show our driveway but it has since been omitted since the consideration of this TRO. I believe you should carefully consider the alternatives and before any decision, consult with us in the outset of any proposed compromise. I believe that this new scheme is being drawn up from the perspective of the care home developers only. Comment made by the TRO engineer to our observation said, 'the road safety audit process identifies risks from vehicles making right turns into and out of the care home so close to the junction of the A4189 which outweighs the disadvantages on the nearby property'. That statement confirms that the road safety audit did not take our property into consideration as the engineer's comment has only been made since we advised him that there was a problem with this new TRO. So the safety audit is also flawed and did not consider our safety at all. The traffic flows well around the island currently with no accidents and with space to manoeuvre around obstacles. If this proposal continues in its current proposed form, it will restrict both directions severely, in my opinion, with much more safety issues causing accidents and accidents being more severe."

Dan Richardson stated that the engineer who carried out the road safety audit did consider their property and knew the junction well. The TRO's aim was to stop people turning right out of the care home, but this impacted the Berry's property too. Right turns are not acceptable that close to a roundabout as cars were nearly rear-ending each other when someone turned left onto the road, and turning right would have the same principle. Senior managers agreed that the care home development could not go ahead unless the TRO was implemented. Clive Berry stated that there were two alternatives to this TRO as part of the planning application that the Highways team did not object too; the new design did not consider them. Maureen Berry added that Chris Round stated that he was not aware that their drive was opposite the developer's site. Dan Richardson said that the road safety audit was done by the developer's consultant and the council check it after to make sure that it was done correctly. It was the road safety team's view that there should be no right turns that close to a junction.

In response to Clive Berry, Joanne Archer stated that they could only consider this entranceway as part of the TRO because of the care home application. The Council is bound by what they submit to planning on their boundary. This cannot be expanded unless it goes onto highway land; if improvement needed to be done to this then this would be a separate highways process.

Maureen Berry said that their driveway was not included on the revised road plans, but it was included on the original ones. The email from the developers to the planning officer (at Stratford District Council) on the 3rd April 2020 said (with respect to the proposed access arrangements), "the design of this has been extensively researched and advanced by specialist highway consultants appointed by the applicants and the design for the access arrangements was functionable and amenable to the future users, agreeable by Highways in safety terms. The proposed

access in design arrangements are based on speed check surveys carried out at the location. The design had therefore been subject to an independent road survey audit to ensure absolute safety of the users and access of other users of the highways in that location.” There were no objections in the road safety audit done in April 2020. The developers designed a raised triangle as an access surface to the care home. Maureen Berry continued that figure four in the Transport Statement 103510/R01 stated that “vehicular access into the (care home) site will be taken by the existing access. The access will be modified to provide a left in/left out arrangement. The new island will be constructed at the site access to enforce the banning of right turn manoeuvres. In order to demonstrate the proposed vehicle access provides a suitable layout, a visibility display has been produced based on a seven-day speed survey carried out by Warwickshire Highways between the 30th November to 7th December 2019”.

Maureen Berry read out an extract from a committee meeting from the 23rd August 2020, the planning officer for the care home development stated that the application “should only be refused on unacceptable impacts on the highway” and that ‘Warwickshire Highways had been consulted with on the proposed raised triangle scheme and they did not object to this as this would not impact the highway network’. Maureen Berry stated that in the notice of decision of the planning from the 1st September 2020, it stated that highways had been consulted with and did not object to the proposed plans put forward. She had been informed that developers appoint a qualified consultant to do their report and submit this to the objector for modifying by Highways. No objections means that they have been consulted with and approve it.

Dan Richardson stated that Section 278 applications were scrutinised more and the road safety audit is looked at by the internal safety team. Turning right into the development was illegal but people would still do it. The pedestrian refuge island itself was deemed unsafe for pedestrians and the visually impaired crossings due to the 45 degree angle turns close to each other; the triangle proposal had to be discarded to make it safe for them.

Points were raised about turning left into/out of the property and the possibility of people speeding off the roundabout. Maureen Berry stated that they could see clearly going right out of their property instead of left; people coming round the roundabout cannot see their drive.

In response to Maureen Berry, Chris Round said that they put signs up notifying residents of the TRO on lampposts in the area, the internal arch and next to the dog island on the A435. These were taken down the day after the consultation ended on the 25th March 2022. The signs themselves were laminated A4 sheets and zip tied to surfaces. The parish council was sent an email to make them aware of the TRO as consultees, but the Berry’s were not sent it as an interested party. A discussion about the consultation followed.

Joanne Archer said that with planning applications, the team must work with what the developers give them as they are spending their money; they do not design schemes for them, and their plan gets assessed after. She noted the different processes set out in planning Acts and highways Acts. Developers get technical approval based on what road safety approved.

A discussion followed of alternatives that were looked at but dismissed for the TRO including the angled ingress into the island, shortening the TRO length, and shortening the care home's drive. Clive Berry noted the issue was the Council doing what the developers wanted and asked to see a list of the alternatives considered. Dan Richardson noted that most of these were done verbally. Maureen Berry reiterated that their issue was turning left out of their property not right. Dan Richardson stated that due to the workload and team's being understaffed, not every application could be looked at as thoroughly as it should.

In response to Joanne Archer, Dan Richardson confirmed that the developers did not send the Council their road safety audit for their development. It could not be confirmed whether the developers did a full road safety audit, or the district council did one as part of the planning process. The county council could only respond as a consultee based on the information the district council sent them. In response to Maureen Berry, Joanne Archer said that they could only focus on the 'red boundary' as part of the plans as they cannot force developers to include resident's properties as part of this; their drive was only added after Dan Richardson requested some changes.

Councillor Redford concluded that the case had been put forward clearly and he appreciated the comments made. He noted what was said and would discuss this further with officers.

Meeting rose at 10:33

Portfolio Holder Decision

Mappleborough Green - TRO Objection

Portfolio Holder	Portfolio Holder for Transport and Planning
Date of decision	26 April 2022
	Signed 

1. Decision taken

That the below named Traffic Regulation Orders be made as advertised:

- The Warwickshire County Council (Mappleborough Green) (A4189 Warwick Highway) (Stratford On Avon) (No Right Turn) Order 2022
- The Warwickshire County Council (Mappleborough Green) (A4189 Warwick Highway) (Stratford On Avon) (U-Turn Ban) Order 2022

2. Reasons for decisions

The Traffic Regulation Orders (TRO) are proposed in order to prohibit vehicles making a U-turn on part of the A4189 Warwick Highway in order to enter a new care home and to prohibit a right turn onto part of the A4189 Warwick Highway when leaving the care home. The bans would be accompanied by a new splitter island (to be constructed under a section 278 agreement) which will physically prevent right turns into the care home. The ban on U-turns is necessary to prevent vehicles turning around the end of the splitter island in order to enter the care home.

Appendix A gives guidance on the grounds for making TROs and the criteria to be taken into account when deciding whether to do so. In this case, the ground is ground (a), i.e., avoiding danger to persons or traffic. Although the splitter island will also affect vehicles accessing another property on the opposite side of the road, used both as a residence and as a business office, the road safety audit process identified risks from vehicles making right turns into and out of the care home so close to the junction of the A4189 with the Birmingham Road which outweigh the disadvantages to the nearby property.

3. Background information

Planning permission was granted on 1st September 2020 for the construction of a purpose-built care home. The new care home in Mappleborough Green is located at High House Farm, on the north side of the A4189 Warwick Highway, close to its entry onto a roundabout with the A435 Birmingham Road and A4189 Henley Road.

Condition no. 13 required the applicant to construct a vehicular access to the site in accordance with drawing "B80 7DG-A-03C" (see Appendix F for the planning approved drawing). The vehicular access to the site needs to be constructed before the development can be occupied.

Any works within the existing maintainable highway are subject to a section 278 Highway Works Agreement. A section 278 highway works agreement is technically approved and overseen by the highway authority. The developer therefore applied to the highway authority for a section 278 agreement.

A TRO was also required to enforce the left in/left out operation of the vehicle access to the development that is shown on the planning approved drawing.

As part of the section 278 approval process the layout approved at the planning stage is fully reviewed to check it conforms to the relevant guidelines and is also subject to a Road Safety Audit. The layout is often refined at this later stage to ensure that the access will function in a safe manner and is in accordance with the relevant guidelines.

As part of the section 278 application technical approval process, the County Council's Safety Engineering Team reviewed the Stage 2 Road Safety Audit provided by the developer's consultant and commented as follows:

"It is proposed that vehicles will not be permitted to turn right off Warwick Highway into the new access and will have approx. 1 kilometre added to their journey to enter the new development. As there are no physical features to stopping the No Right Turn ban could allow motorist to make the illegal right turn across the eastbound carriageway to access the development, which could lead to confusion, late braking, resulting in rear shunts and side impact collisions."

This led to the issue being considered by the Exception Report Panel, which includes the Service Managers of Engineering Design Services and Strategy & Commissioning, where design considerations and road safety concerns can be assessed in context. The designer provided two amended layouts, to address the highlighted road safety issues, and the Panel accepted that the layout proposed in association with the TROs satisfactorily addressed the Safety Engineering Team's concern. This layout removes the triangular island in the access and provides a splitter island in the centre of the carriageway to physically prevent right turns into and out of the new care home.

The section 278 application was then granted technical approval.

The central splitter island also means that right turns into and out of one other property on the south side of A4189 Warwick Highway are also prevented. This property is a residence with an office within the premises used for business purposes by the resident and her staff. However, that disadvantage to the occupiers and their visitors is considered

to be outweighed by the safety risks if right turns into and out of the care home are not effectively restricted.

The TROs were advertised between 3rd March 2022 and 24th March 2022, in the local newspaper and on notices erected in the near vicinity of the new care home access. The local County Councillor, Justin Kerridge was also consulted.

Five objections have been received. The first three objections are from the same person, who is the occupier of the property on the south side of the A4189.

Objection no. 1

Resident of Warwick Highway, received on 3rd March 2022.

“Thank you once again for coming out to see the problem. I have attached documents that were submitted with the planning application and as the planning was granted highways were obviously satisfied with access. This access was previously in place for the previous planning for the 10 houses which were also granted. I hope that the attachments clarify the situation and surely from a costing standpoint the developers would be liable to foot the bill rather than using council taxpayers money. Please can you keep me and the parish council informed and if I can help please do not hesitate in contacting me”.

Objection no. 2

A second objection was received from the same person above on 14th March 2022.

*“Following our previous meeting and my email I would confirm that I am objecting to the new proposal for the access to the development at High House Farm and the subsequently completed Care Home.
Please find attached previously submitted Plans and conditions that have been agreed by Highways to allow the planning to be granted, also I have now also attached the drawings and a letter from Warwickshire Highways Department saying that Highways have no objections to the granting of the planning permission request on the provision that the triangle is incorporated into the access of the site.
The new proposals will have a detrimental effect on the entrance and exit of our property and will impede the use and enjoyment of our property.”*

Objection no. 3

A third objection was received from the same person on behalf of her business, received on 18th March 2022.

*“The Business has run from these offices since 2006.
The proposal to alter the road lay out would be detrimental to the access for our staff and our clients visiting the offices.
Warwickshire Highways have made no objections in the past to the accepted raised triangle in the access of the Home in fact it was a condition of granting planning that this condition was implemented.
We therefore object to the proposal to change the plans that Warwickshire Highways have agreed to.”*

The documents accompanying these three objections are in Appendix E and they contain details of a previous planning application for a number of individual homes, which was initially refused and then granted on appeal. They show a triangular island at the entrance to the site designed to discourage right hand turn manoeuvres rather than a central splitter island.

Officer's response –

These objections are not strictly to the TROs and their bans on right turns and U-turns but to the introduction of a splitter island. However, the splitter island is associated with the bans, and it necessitates the U-turn ban, so this objection is addressed as follows.

When permission was first granted for the care home, the approved plans also relied on a triangular island in the access (see Appendix F for the planning approved drawing). However, during the Road Safety Audit process, a serious safety concern was raised that this would not be sufficient to discourage vehicles from making the banned manoeuvres. The issue was subsequently considered by a panel of senior engineering managers and the developer's designer proposed the splitter island as a more effective deterrent to right turns. This is a change from previously approved proposals, but this was the first time that access arrangements had been subjected to the technical approval process required for a section 278 scheme. The road safety audit and the technical approval processes are designed to test and challenge initial designs and will sometimes result in proposals that have planning approval being revised.

The section 278 works are cost neutral to the County Council.

Objection no. 4

A Stratford District Councillor, Councillor Serafin, received on 23rd March 2022.

"I object to the new layout of the formation to access to care home as this would not benefit one of my residents the original plan to restrict traffic in and out is much better and would not cost the council any money"

Officer's response –

As explained previously, the original plan was amended to address safety issues highlighted by the County Council's road safety audit and technical approval procedures. The section 278 works are cost neutral to the County Council.

Objection no. 5

There was also an additional objection that was received on 29th March 2022, five days after the consultation period had ended, on behalf of Mappleborough Green Parish Council.

"Firstly apologies for the slightly late response to this consultation, unfortunately I was not made aware until today that responses should be sent to you regards this application. Secondly please accept this email as a formal objection to the proposed changes to the highway outside the exit/entrance to Haywood Lodge Care Home. The application submitted is significantly different to that originally agreed at planning and as such the Parish Council are extremely concerned that the changes are too restrictive in terms of access to the care home and properties adjacent to it, with little room to manoeuvre, especially for larger vehicles. The Parish Council understand that reference was made by

an officer of WCC, after concerns of larger vehicles accessing the site by reversing into the grounds was raised. The officer argued that on completion only cars/vans would be accessing the site and weekly refuse vehicles. The Parish Council request that consideration is given to these larger vehicles in terms of the proposed layout and that easier access must be a requirement for emergency vehicles to gain quick access to a care home, which the original plan layout would allow and the proposed does not. The Parish Council trust that these concerns are considered aptly.”

Officer's response –

Emergency vehicles will still be able to access the care home. Swept path analysis shows that a vehicle the size of a large refuse vehicle can freely enter and exit with room to spare (see Appendix G). A similar analysis shows that a 7.64 metres long recreational vehicle will also be able to enter the objector's property on the south side of the A4189 (see Appendix H).

4. Financial implications

The cost of the section 278 highway works is entirely funded by the developer of the care home.

5. Environmental implications

No Environmental Impact Assessment was required to support this planning application. In order to satisfy the safety concerns of this scheme vehicles will need to travel further on the network and this will create some additional emissions.

Report Author	Daniel Richardson danrichardson@warwickshire.gov.uk,
Assistant Director	Scott Tompkins, Assistant Director for Communities
Strategic Director	Mark Ryder, Strategic Director for Communities
Portfolio Holder	Councillor Wallace Redford, Portfolio Holder for Transport and Planning

Urgent matter?	No
Confidential or exempt?	No
Is the decision contrary to the budget and policy framework?	No

List of appendices

Appendix A - Road Traffic Regulation Act 1984 - Information for TROs
 Appendix B – TRO Notice
 Appendix C – TRO Statement of Reasons
 Appendix D – TRO PLAN - 103510-PEL-KB-ZZ-DR-HW-0004 - D7
 Appendix E - TRO Objection Documents-Redacted
 Appendix F - Approved Planning Drawing - B80 7DG-A-03C

Appendix G - Large Refuse Vehicle Swept Path Analysis Plan
Appendix H - Recreational Vehicle Swept Path Analysis Plan

Members and officers consulted and informed

Portfolio Holder – Councillor Wallace Redford

Corporate Board – Mark Ryder

Legal – Ian Marriott & Caroline Gutteridge

Finance – Andrew Felton & Virginia Rennie

Equality – Keira Rounsley

Democratic Services – Isabelle Moorhouse

Councillors – Jeff Clarke, Jonathan Chilvers, Jenny Fradgley & Jackie Darcy

Local Member(s): Councillor Justin Kerridge

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of the Local Government Act 1972.

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