

# Portfolio Holder Decisions

Friday 13 October 2023

## Minutes

### Attendance

#### Committee Members

Councillor Peter Butlin  
Councillor Andy Crump  
Councillor Jan Matecki

#### 1. Traffic Modelling Framework - Procurement of New Provision

**Resolved** that the Portfolio Holder for Transport and Planning approves the proposed Toucan crossing on Radford Road near Sydenham Drive as part of improvements to the National Cycle Route 41 (Leamington Spa to Radford Semele).

#### 2. s278 Application Greys Mallory Roundabout Signalisation

**Resolved** that the Portfolio Holder for Finance and Property gives approval to the addition of the following s278 fully developer-funded highway improvement scheme A452 Warwick By-pass, Europa Way, A425 Banbury Road – Greys Mallory roundabout signalisation scheme – approximate value £950,000 to the Capital Programme for 2023/24.

#### 3. s278 Scheme Junction of Caesar Drive & Higham Lane - Top Farm

**Resolved** that the Portfolio Holder for Finance and Property gives approval to the addition of the following s278 fully developer-funded highway improvement schemes to the Capital Programme for 2023/24: C11 Higham Lane junction of Caesar Drive – Top Farm of approximate value £805,200.

#### 4. A425 Radford Road, Leamington Spa: NCN41 improvements

**Resolved** that the Portfolio Holder for Transport and Planning approves the proposed Toucan crossing on Radford Road near Sydenham Drive as part of improvements to the National Cycle Route 41 (Leamington Spa to Radford Semele).

#### 5. Approval to update guidance and charges on flood risk pre-application advice service

**Resolved** that the Portfolio Holder for Fire & Rescue and Community Safety approves the formalisation of the updated Flood Risk Management (FRM) chargeable pre-application service offer from its current 'trial' status.


## **6. Reports Containing Exempt or Confidential Information**

## **7. Pension Services - Investment Consultancy Tender**

**Resolved** that the recommendations be approved as per the report.

## Portfolio Holder Decision

### Traffic Modelling Framework - Procurement of New Provision

<b>Portfolio Holder</b>	<b>Portfolio Holder for Finance and Property (Deputy Leader)</b>
<b>Date of decision</b>	<b>13 October 2023</b>
	<b>Signed</b> 

#### 1. Decision taken

The Portfolio Holder for Finance and Property (Deputy Leader):

1. Approves the commencement of a procurement exercise to secure the provision of a Traffic Modelling Framework to support transport planning across Warwickshire; and
2. Authorises the Strategic Director for Communities to enter into all necessary agreements to enable the implementation and operation of the Framework on terms and conditions acceptable to the Strategic Director for Resources.

#### 2. Reasons for decisions

- 2.1 The Council has operated its current Traffic Modelling Framework for the past three years. That Framework is due to expire shortly.
- 2.2 The Framework has enabled the Council to support the Local Plan process and development assessments in a timely and effective way and is considered a valuable resource. Given the current framework is due to expire a replacement will be required to continue to deliver services as needed.
- 2.3 Given the value of the proposed Framework is predicted to be between £1m and £3m approval of the Deputy leader is required to commence the procurement exercise. A formal procurement exercise compliant with the requirements of the Public Contract Regulations 2015 will be undertaken.
- 2.4 The Traffic Modelling Framework will be called upon for the following purposes:
  - To support the updating of County Council Traffic Models necessary to undertake transport scheme and development assessments for the period of the framework
  - To enable the Council to provide the traffic modelling necessary to support the District and Borough Councils within Warwickshire through the Local Plan review process.

- To support business case development for internal and external funding - Traffic modelling is required to provide a robust evidence base to support these business cases.
- To ensure that the existing suite of specialist microsimulation models that the Council has invested in is maintained in order to effectively support the transport planning functions.

- 2.5 The works enabled by the framework are a specialist area of work and the requirement for modelling fluctuates significantly throughout the year. A framework of external expert suppliers provides the best value approach to securing the expertise when needed.
- 2.6 Whilst there are existing frameworks for traffic modelling available, these are focused on strategic modelling for high-level assessments and would not be suitable for the more detailed local assessments and microsimulation modelling that the Council requires.
- 2.7 The procurement process is programmed to complete ahead of the current contract expiry in February 2024.

### **3. Background information**

- 3.1 The proposed framework is needed to support the specialist areas of traffic modelling set out in Section 3. It is estimated that the proposed Traffic Modelling Framework will have a value in the region of £1,000,000 to £3,000,000. This is higher than the costs incurred on the previous framework as it is considered that there will be an increased demand for modelling across the life of the new framework, with the commencement of Local Plan reviews and further scheme development. The framework is also being procured to enable Coventry City Council to make use of it to support their modelling requirements.
- 3.2 A compliant open tender process will be run to secure a multi supplier ranked framework which will run for one year with the option, at the Council's discretion, to extend for further periods in total not exceeding 36 months. The ranked framework will enable the Council to work with the supplier offering best value whilst retaining a compliant route to market should the primary ranked supplier be unable to deliver any assignment.

### **4. Financial implications**

- 4.1 Internal resource will be utilised to set up the Framework and this can be funded from model licence revenue and the Transport Development Fund.
- 4.2 The Framework will provide a mechanism whereby packages of work called off from the contract can be awarded directly to a Supplier, rather than running a separate

competitive process for each package/call-off.

4.3 Annual revenue costs to date from the current framework approximate to £315,000.

4.4 The traffic modelling framework is also used in support of capital schemes. To date, under the current framework agreement, over £200,000 of capital budgets has been spent on modelling support.

4.5 The licensing of existing models to third parties and the ad-hoc extraction of model data has accrued approximately £220-250,000 of income *per annum* which has been reinvested in model development.

## 5. Environmental implications

5.1 The modelling framework will be used to assess District and Borough Local Plan reviews and other housing and employment proposals to help shape developments across Warwickshire.

5.2 The framework will also be used to assess the impacts of transport schemes across the county and deliver on emerging Local Transport Plan priorities.

<b>Report Author</b>	Paul Kinsella <a href="mailto:paulkinsella@warwickshire.gov.uk">paulkinsella@warwickshire.gov.uk</a> Tel: 01926 412527
<b>Director</b>	David Ayton-Hill <a href="mailto:davidayton-hill@warwickshire.gov.uk">davidayton-hill@warwickshire.gov.uk</a> Tel: 01926 742267
<b>Executive Director</b>	Mark Ryder <a href="mailto:markryder@warwickshire.gov.uk">markryder@warwickshire.gov.uk</a> Tel: 01926 412811
<b>Portfolio Holder</b>	Cllr Peter Butlin <a href="mailto:peterbutlin@warwickshire.gov.uk">peterbutlin@warwickshire.gov.uk</a> Tel: 01926 410410 Portfolio Holder for Finance and Property (Deputy Leader)

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

### List of background papers

--

### Members and officers consulted and informed

Portfolio Holder – Councillor Peter Butlin (Deputy Leader)

Corporate Board – Mark Ryder

Legal – Nichola Vine

Finance – Transport & Planning Finance

Equality – Joanna Kemp

Democratic Services – Amy Bridgewater-Carnall

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

Local Member(s): none

## Portfolio Holder Decision s278 Application Greys Mallory Roundabout Signalisation

<b>Portfolio Holder</b>	<b>Portfolio Holder for Finance and Property</b>
<b>Date of decision</b>	<b>13 October 2023</b>
	<b>Signed</b> 

### 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 A452 Warwick By-pass, Europa Way, A425 Banbury Road – Greys Mallory roundabout signalisation scheme – approximate value £950,000 to the Capital Programme for 2023/24.

### 2. Reasons for decisions

- 2.1 On 14 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, developer contributions or from revenue.
- 2.2 Under the Constitution, the power is delegated onwards to the Portfolio Holder for Finance and Property.

### 3. Background information

- 3.1 A planning application was submitted to Warwick District Council by the developers Taylor Wimpey and Bloor Homes for the construction of up to 900 residential dwellings, a primary school, local centre and Park & Ride facility for up to 500 spaces with vehicular access from Europa Way and Banbury Road. The original planning submission (ref: W/14/0300) was granted following appeal and subsequent permissions were granted for variations of conditions on 25 February 2021 (ref: W/20/1642) which stipulates that for the works to be carried out in the limits of the public highway, the developer is required to enter into a s278 agreement with Warwickshire County Council. The 278 works required is the signalisation of the existing Greys Mallory roundabout and construction of a new layby.

#### 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 The respective Developers have already committed to funding the technical review work by accepting the Council's fee estimates. The Council's fees for technical review are always collected in advance of the s278 agreement being signed.
- 4.4 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 s278 agreements will also require the Developer to provide a bond or cash security. 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 (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.

<b>Report Author</b>	Chris Harris chrisharris@warwickshire.gov.uk,
<b>Director</b>	Director for Environment, Planning and Transport
<b>Executive Director</b>	Executive Director for Communities
<b>Portfolio Holder</b>	Portfolio Holder for Finance and Property

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



### List of background papers

N/A

### Members and officers consulted and informed

Portfolio Holder – Councillor Peter Butlin

Corporate Board – Mark Ryder

Legal – Caroline Gutteridge

Finance – Andrew Felton

Equality – n/a

Democratic Services – Amy Bridgewater-Carnall

Councillors – Warwick, Boad, Philipps and W Roberts

Local Member(s): Cllr Jan Matecki (Budbrooke & Bishop's Tachbrook) & Singh Birdi (Warwick South)

This page is intentionally left blank

## Portfolio Holder Decision s278 Scheme Junction of Caesar Drive & Higham Lane - Top Farm

<b>Portfolio Holder</b>	<b>Portfolio Holder for Finance and Property</b>
<b>Date of decision</b>	<b>13 October 2023</b>
	<b>Signed</b> 

### 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 schemes to the Capital Programme for 2023/24: C11 Higham Lane junction of Caesar Drive – Top Farm of approximate value £805,200

### 2. Reasons for decisions

- 2.1 On 14<sup>th</sup> 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, developer contributions or from revenue.
- 2.2 Under the Constitution, the power is delegated onwards to the Portfolio Holder for Finance and Property.

### 3. Background information

- 3.1 A planning application was submitted to Nuneaton and Bedworth Council by Countryside Partnerships North-West Midlands for the construction of a new vehicular access to accommodate a new residential development and proposed school. Planning consent was granted (Ref 035279) and subsequent permission on 25 May 2022 which stipulates that for the works to be carried out in the limits of the public highway, the developer is required to enter into a s278 agreement with Warwickshire County Council. The s278 works required are the reconfiguration of Higham Lane junction of Caesar Drive.

#### 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 The respective Developer has already committed to funding the technical review work by accepting the Council's fee estimates. The Council's fees for technical review are always collected in advance of the s278 agreement being signed.
- 4.4 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 s278 agreements will also require the Developer to provide a bond or cash security. 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.

<b>Report Author</b>	Chris Harris chrisharris@warwickshire.gov.uk,
<b>Director</b>	
<b>Executive Director</b>	Executive Director for Communities
<b>Portfolio Holder</b>	Portfolio Holder for Finance and Property

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

### List of background papers

N/A

### Members and officers consulted and informed

Portfolio Holder – Councillor Peter Butlin

Corporate Board – Mark Ryder

Legal – Caroline Gutteridge

Finance – Andrew Felton

Equality – n/a

Democratic Services – Amy Bridgewater-Carnal

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

Local Member(s): Cllr Robert Tromans (Weddington ED, Nuneaton and Bedworth Borough)

This page is intentionally left blank

## Portfolio Holder Decision

### A425 Radford Road, Leamington Spa: NCN41 improvements

<b>Portfolio Holder</b>	<b>Portfolio Holder for Transport and Planning</b>
<b>Date of decision</b>	<b>13 October 2023</b>
	<p><b>Signed</b></p> 

#### 1. Decision taken

- 1.1 That the Portfolio Holder for Transport and Planning approves the proposed Toucan crossing on Radford Road near Sydenham Drive as part of improvements to the National Cycle Route 41 (Leamington Spa to Radford Semele).

#### 2. Reasons for decisions

- 2.1 Where objections have been received to proposed traffic management schemes, it is necessary for the Portfolio Holder to decide whether to proceed with the proposals.

#### 3. Background information

- 3.1 Warwickshire County Council is committed to improving provision for active travel to support accessibility, address the climate emergency, improve air quality, reduce congestion and improve health. There are ambitious plans for improved infrastructure in and around Warwickshire's towns so that more people will choose to walk, wheel and cycle for everyday journeys and outdoor recreational activities.
- 3.2 The A425 is a busy main road between Leamington, Radford Semele and Southam. The speed limit on the A425 Radford Road changes from 30mph to 40mph just east of Sydenham Drive, Leamington. National Cycle Network 41 connects Leamington town centre and railway station with the Offchurch Greenway and Lias Line disused railway via Newbold Comyn (although the foot/ cycle bridge

at Radford Meadows is temporarily closed), A425 Radford Road and Grand Union Canal.

3.3 Sustrans, a national transport charity and custodian of the National Cycle Network (NCN), has undertaken detailed audits of the condition and quality of provision along the NCN. Locations on NCN41 identified as needing improvement included the existing refuge crossing on the A425 Radford Road, steps to Grand Union Canal and towpath surface.

3.4 In March 2022, the Department for Transport allocated funding to Sustrans (National Cycle Network Activation Fund Tranche 6) to upgrade NCN Route 41 between Newbold Comyn and Radford Semele. This funding is for crossing improvements on the A425 Radford Road near Newbold Comyn, two new access ramps to the canal and resurfacing of the Grand Union Canal towpath between the new access ramps.

3.5 Following [County Council approval in January 2023](#), Sustrans and Warwickshire County Council signed a grant agreement enabling the County Council to progress design and delivery of the crossing and associated connections on the A425 Radford Road near Newbold Comyn, subject to input from stakeholders and the public on a detailed scheme design and consultation on the required legal orders. This report sets out the results of this consultation process.

#### ***Proposed scheme***

3.6 In August 2023, Warwickshire County Council gave notice of its intention to install a Toucan crossing on Radford Road near Sydenham Drive as part of improvements to National Cycle Route 41 (Leamington Spa to Radford Semele). Appendix 1 is the consultation plan for the proposed Toucan crossing. Section 23 of the Road Traffic Regulation Act 1984 requires a local authority to consult the police and give public notice of the proposal before establishing a new crossing.

3.7 Resurfacing and widening of existing shared use footway/cycle track on both sides of the crossing is also proposed. Appendix 2 is a general arrangement plan showing the proposed Toucan crossing and the resurfacing/ widening. There is no statutory requirement to consult in relation to this element of the scheme.

3.8 The aim of providing a signal-controlled Toucan crossing and widening of the footway/ cycle track is to encourage more walking and cycling by providing a safer crossing point and to enable access for more users. The existing crossing refuge can present difficulty for less confident pedestrians and cyclists, and those with disabilities. The proposed signal-controlled crossing would provide a single stage crossing with audible and tactile signals for blind and partially sighted users.

3.9 Scheme information, drawings and public notices were provided on the County Council's website and the scheme was publicised through site notices as well as emails and letters to local residents and stakeholders. Any objections and representations were requested to be received by 8th September 2023.

3.10 Eight written representations were received. There were three objections, two of which related to the removal of a tree to install the traffic signals and one relating to



the position of a control box for the signals. Six respondents said that they welcomed or supported the proposed crossing. In response to the feedback, the scheme design was reviewed. The table below provides a summary of the objections and representations as well as the County Council's responses and recommendations.

Objections and representations	County Council Response and Recommendation
--------------------------------	--

OBJECTION to removal of tree on the south side of Radford Rd.  
(2 respondents)

- Negative impact on this semi-rural, tree-lined road
- Loss of a healthy and well established tree with nesting birds in summer
- Inconsistent with WDC and WCC climate policies
- No need for a crossing



Tree to be removed. Looking west towards Leamington




Looking east towards Radford Semele.

The removal of the tree is considered necessary:

- to install the primary (nearside) traffic signal where it can be seen clearly by drivers heading west into Leamington
- to improve visibility between drivers and pedestrians/ cyclists waiting at the crossing
- to reduce shadows on the crossing in hours of darkness, which could also restrict sightlines and visibility of the crossing
- to remove trip hazards around the crossing and provide sufficient space for all users to safely access the crossing

Following the objection, further discussions took place between designers and officers in road safety, traffic signals and forestry teams, to look again at alternative options. These are detailed below, with reasons why they were rejected:

<i>Options considered</i>	<i>Reasons for rejection</i>
Do nothing – retain existing crossing refuge, or signpost people to Sydenham Drive traffic signals	Crossing too narrow and unsuitable for people with disabilities. Volume and speed of traffic make it difficult to cross. Signal controlled crossing at Sydenham Drive is too far away for people to use when travelling along NCN Route 41 and in opposite direction
Relocate crossing a few metres west from the tree	Negative impact on property accesses
Relocate the crossing much further east, away	Removal of additional trees (possibly 3-4) on the north side of Radford Road, as well as

	<p>from Leamington</p>	<p>additional widening of the footway to accommodate the cycle track, with potential loss of hedgerow.</p>	
	<p>Cut the tree branches back and raise the canopy height</p>	<p>Future maintenance would still be required to keep signals clear, and other safety issues would remain - of visibility due to tree trunk and uneven surface due to tree roots</p>	
	<p>County Council officers met with one of the objectors on 5<sup>th</sup> September 2023 to outline the reasons for removal of the tree and to describe other options that had been considered.</p> <p><b>Recommendation – remove tree to install new crossing. Plant additional trees in local area to help offset this loss.</b></p>		
<p>OBJECTION to the position of the Traffic Signal Controller to enable private works on driveway access (1 respondent)</p>	<p>County Council officer met with the objector on 5th September 2023 and agreed a revised position for the Signal Controller</p> <p><b>Recommendation – include revised position for Signal Controller within final scheme</b></p>		
<p>Comments (3 respondents) on the ongoing issue of pavement parking blocking use of the existing footway/ cycle track</p>	<p>The Toucan crossing includes zigzag markings which will be legally enforceable and help to prevent parking near the crossing. The zigzags can be extended and other physical measures, possibly bollards, can be added to protect the footway/ cycle track.</p> <p><b>Recommendation – amend designs to maximise the extent of zigzag markings and add physical measures to protect widened sections of footway/ cycle track</b></p>		
<p>Request for maintenance of vegetation along the existing route on north side of Radford Road which prevents users seeing each other.</p>	<p><b>Recommendation – ensure vegetation is trimmed as part of the scheme implementation, to provide safe passage along footway/ cycle track, and work with County Highways and Sustrans to monitor encroachment in future</b></p>		
<p>Comment on connecting better with the existing shared use path on the north side of Radford Road to the west towards Leam Terrace</p>	<p>The existing shared use path on the north side of Radford Road connecting with Leam Terrace will become the temporary diversion route for NCN41 for the duration of the closure of the foot/ cycle bridge at Radford Meadows, and will require some upgrading.</p> <p><b>Recommendation – include correct tactile markings and shared use signs for full length of shared use</b></p>		

	<b>path on the north side of Radford Road between Leam Terrace and proposed crossing</b>
Request for confirmation of eastern extent of scheme on south side of Radford Road	Current scheme encompasses existing section of NCN41 along Radford Road between Newbold Comyn and Grand Union Canal. Design work is underway for future eastern extension to Gullimans Way and Radford Semele  <b>Recommendation – continue design work for eastern extension along A425 Radford Road</b>
Request for reduction in the speed limit to 30mph	This is not within the scope of the current scheme but the new signal controlled crossing could contribute to a reduction in traffic speeds  <b>Recommendation – review speed data following installation of crossing</b>
Request for change to traffic lane markings near Sydenham Drive to reduce exit to one lane and advisory cycle lane and approach lanes changed to left turn only and straight ahead	This is not within the scope of the current scheme. However, the request was forwarded to Road Safety Engineering team for consideration.  <b>Recommendation – none</b>

#### 4. Financial implications

- 4.1 Approval to enter into a grant agreement with Sustrans, and the allocation of £0.252 million funding, was given by the Deputy Leader of the Council on [24 January 2023](#).
- 4.2 This amount was based on cost estimates for a Toucan crossing and widening of adjacent footways/ cycle tracks and included some contingency.
- 4.3 The scheme construction will be delivered through the Balfour Beatty Living Places Highways Maintenance Contract and the cost estimate has been established using standard contract prices for materials and construction.
- 4.4 There is potential to descope this scheme should costs increase beyond the budget, but this would be at the cost of desirable infrastructure that would prioritise the safe movement of pedestrians and cyclists. A lower quality scheme would not meet the needs of pedestrians and cyclists and would not attract people to use it.
- 4.5 The financial implications of not constructing this scheme would be the possible clawback of grant funding, including expenditure to date. Any expenditure already incurred would have to be written-off as revenue cost.

#### 5. Environmental implications

- 5.1 Transport is the single largest cause of carbon emissions in the UK. The A425

Radford Road NCN41 improvements will enable more journeys to be made by walking, wheeling and cycling, thereby contributing to reduced carbon emissions as well as lower levels of congestion and improved air quality.

- 5.2 In addition to local journeys, these improvements support longer term plans to provide high quality, traffic-free and step-free connections between Leamington Spa town centre, Newbold Comyn, Radford Semele, Long Itchington and Rugby, including sections along the Grand Union Canal, Offchurch Greenway and Lias Line.

<b>Report Author</b>	Alison Kennedy alisonkennedy@warwickshire.gov.uk
<b>Director</b>	Director of Economy and Place <a href="mailto:davidayton-hill@warwickshire.gov.uk">davidayton-hill@warwickshire.gov.uk</a>
<b>Executive Director</b>	Executive Director for Communities <a href="mailto:markryder@warwickshire.gov.uk">markryder@warwickshire.gov.uk</a>
<b>Portfolio Holder</b>	Portfolio Holder for Transport and Planning <a href="mailto:janmatecki@warwickshire.gov.uk">janmatecki@warwickshire.gov.uk</a>

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

### List of background papers

Appendix 1 – consultation plan for the proposed Toucan crossing

Appendix 2 - general arrangement plan showing the proposed Toucan crossing and the resurfacing/ widening of adjacent sections of footway/ cycle track.

### Members and officers consulted and informed

Portfolio Holder – Councillor Jan Matecki

Corporate Board – Mark Ryder

Legal – Caroline Gutteridge

Finance – Andrew Felton

Equality – Delroy Madden

Democratic Services – Amy Bridgewater-Carnall

Councillors –


Jonathon Chilvers (Leader of the Green Group), John Holland (Leader of the Labour Group) Jerry Roodhouse (Leader of the Liberal Democrat Group)

Local Member(s): Councillor Will Roberts (Leamington Willes)

This page is intentionally left blank

## Portfolio Holder Decision

### Approval to update guidance and charges on flood risk pre-application advice service

<b>Portfolio Holder</b>	<b>Portfolio Holder for Fire &amp; Rescue and Community Safety</b>
<b>Date of decision</b>	<b>13 October 2023</b>
	<p><b>Signed</b></p> 

#### 1. Decision taken

- 1.1 That the Portfolio Holder approves the formalisation of the updated Flood Risk Management (FRM) chargeable pre-application service offer from its current 'trial' status.

#### 2. Reasons for decisions

- 2.1 Since March 2015, the Flood Risk Management (FRM) team as Lead Local Flood Authority (LLFA) have fulfilled the Council's duty as statutory consultee on major planning applications with surface water drainage.
- 2.2 A Portfolio Holder decision in 2018 enabled the FRM team to establish a pre-application advice service on a trial basis, with developers the primary recipient of this service.
- 2.3 One of the key benefits of providing pre-application planning advice is that the FRM team can provide comments at an earlier stage of site development. This provides the applicant the opportunity to resolve issues before the site layout is fixed, and in turn provides a smoother passage of applications through the planning process if our advice is followed.
- 2.4 The Council also benefit as there is greater opportunity to influence the design at the earlier stages, and it is more likely that we will secure betterment such as alleviation of existing flooding issues or more suitable outfall locations.
- 2.5 The pre-application advice service proceeded on a trial basis in 2019 and has continued as such ever since. As detailed in the original Portfolio Holder decision paper (in Appendix A), the existing charges were considered introductory with a

commitment to scale them appropriately once sufficient information was available to inform and set the costs more formally.

- 2.6 During the trial period, records have been kept of the time to undertake each task and the proposed charges have been developed based on these to recover the full cost of providing the service.
- 2.7 This report seeks to formalise the pre-application offer and costs which have not changed since their introduction in 2019 and are still not advertised on our website.
- 2.8 We are now seeking approval to formalise the FRM pre-application service, which will establish:
- a clear application process (paper and online documentation);
  - detailed guidance for developers;
  - an agreed charging structure, based on full cost recovery;
  - publication of details on our website to promote the service; and
  - a series of improved service templates.
- 2.9 The updated service offer has been informed by feedback from users of the trial and benchmarking with others in the Council and other Lead Local Flood Authorities.
- 2.10 The proposal has been considered by Communities DLT and Corporate Board and the recommendation to the Portfolio Holder to formalise the pre-application advice service is supported.

### 3. Background information

- 3.1 There is no statutory duty to provide a pre-application advice service. Therefore the service will remain discretionary, allowing the FRM team to decline requests for pre-application advice due to a lack of available resource. This will ensure that the delivery of statutory duties are prioritised and are not negatively affected because of the pre-application advice service.
- 3.2 The FRM team have calculated, based on the uptake to-date, that the pre-application service has taken on average 2% of the team's annual chargeable hours to deliver. It is not anticipated demand will increase significantly as a result of formalising the pre-application service, and therefore it has been concluded that there is capacity to deliver the service.
- 3.3 The proposed formalising of the pre-application service will ensure it adapts to the needs of the user and that the service can be sustainably delivered moving forward.
- 3.4 The formalised service proposed reflects feedback from staff and users and furthermore provides a robust framework for delivering it. The proposed charges have been set on a full-cost recovery basis informed by the time taken to deliver the service over a number of years.



- 3.5 The proposed charges have also been benchmarked against other pre-application services offered by the Council and other Lead Local Flood Authorities and are considered reasonable, proportionate and justifiable based on this analysis. Details on the benchmarking exercise are available on request.
- 3.6 The table below sets out the proposed formalised offer. These costs have been determined using a detailed breakdown of officer time spent on the various elements of the service. The charges proposed use the latest 2023/24 staff direct costs and include direct and indirect overheads. The charges proposed can therefore be considered as delivering full-cost recovery.

Proposed service offer and charges:

	<b>Service</b>	<b>Minor</b>	<b>Small Major</b>	<b>Large Major or Phased</b>
Level 1	Online guidance	Free	Free	Free
Level 2	Site-specific data request	£130	£190	£300
Level 3	Document review and informal written advice	£330	£680	£1,200
Level 3a	Virtual Meeting (plus document review and informal written advice)	£470	£900	£1,650
Level 3b	Site visit (plus document review and informal written advice)	£600	£1,040	£1,780
Level 3c	Other (such as master-planning workshop or input to partner pre-application services)	Price on enquiry		

Charges above exclude VAT at 20%.

- 3.7 The charges have been set based on experience of delivering the trial service over the last few years, and solely reflects the likely officer time taken to deliver the service. There is no profit added to these figures and the amounts used can be justified, if required, with a full breakdown of officer time using approved hourly rates.
- 3.8 Charging any less for these services would result in the FRM team making a loss on the service and therefore threaten our ability to deliver the service going forward.

## 4. Financial implications

- 4.1 Section 93 of the Local Government Act 2003 prevents the authority from making profit on its charges for discretionary work such as providing pre-application advice.
- 4.2 As highlighted above, the new charges are based on a robust breakdown of officer time to provide the service. These rates are based on the latest 2023/24 budget and include direct and indirect overheads, representing full cost recovery.

- 4.3 The pre-application service is fully delivered within the FRM team. Should we receive a bespoke request that includes other service areas, for example Legal Services, then Level 3c of the pre-application service offer will apply and a bespoke charge will be calculated based on officer time within FRM and any costs payable to other service areas. This is detailed in the user guidance. This approach is similar to that taken with other areas of FRM work (e.g. highway design reviews).
- 4.4 The updated charging structure and offer is not expected to negatively impact the demand for the service. As highlighted above, the FRM team have undertaken a benchmarking exercise with other authorities offering a similar service and also with other services within the Council. It was concluded that the proposed charging structure was similar and therefore justifiable and proportionate.
- 4.5 Since the service was first offered, there has been a steady uptake in pre-application advice from developers, generating on average around £9,000 a year toward the Flood Risk Management team income target. This income is used for consultant technical support.
- 4.6 No additional resources or budgets are sought to update and continue providing this service.
- 4.7 The cost of providing the service will be monitored. The Flood Risk Management team will seek approval should we consider it necessary to update the charges in the future. Any update to the fees will not occur more than once a year.

## 5. Environmental implications

- 5.1 Offering pre-application advice often allows the FRM team to be involved before the site layout is fully fixed so we have a greater opportunity to influence design and resolve issues. This greater influence may allow WCC to secure additional betterment that may reduce existing flooding and help “future proof” the site.
- 5.2 Over time, a reduction in flood risk will reduce the likelihood of an emergency call out during a time of flooding for other WCC services such as County Highways and Fire & Rescue. This will reduce both the resource burden, but our carbon footprint from not needing to attend site and for there to be less clean-up and repair required post-flood.

<b>Report Author</b>	Daniel Lamb daniellamb@warwickshire.gov.uk,
<b>Assistant Director</b>	Director of Environment, Planning and Transport
<b>Strategic Director</b>	Executive Director for Communities
<b>Portfolio Holder</b>	Portfolio Holder for Fire & Rescue and Community Safety

<b>Urgent matter?</b>	No
<b>Confidential or exempt?</b>	No

**Is the decision contrary to the budget and policy framework?**

*No*

**List of background papers**

Appendix A: PH Decision Paper dated 16/02/2018: Approval to establish a chargeable service for advice on surface water drainage.

**Members and officers consulted and informed**

Portfolio Holder – Councillor Andy Crump

Corporate Board – Mark Ryder

Legal –Caroline Gutteridge

Finance – Mark Baker & Virginia Rennie

Equality – Joanna Kemp

Democratic Services – Isabelle Moorhouse

Councillors – Clarke, Chilvers, Feeney and Fradgley

Local Member(s): none

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank