

APPENDIX 2 – Responses to Industry Engagement Exercise

Theme of Response:	No. of responses	HCC Response
The process for adoption of roads is too slow	1	HCC is aware of developer concerns following previous engagement events. The wider Road Agreements Improvement programme is seeking to improve the adoption process. This is happening in parallel to the creation of this Supplementary Policy Guidance document.
The Commuted Sums policy / cost in Hampshire is prohibitive.	3	The document states an intention to apply commuted sums policy at a high level. Details of the Council's commuted sums policy are addressed by a separate Executive Member for Environment, Transport and Economy Decision on 16 July 2019.
Request for details of HCC team structure.	1	This request was actioned during the engagement process.
Does not agree to use Section 106 to confine intentions to adopt at planning stage	1	Use of S106 to clarify intentions is the preferred approach of HCC, but is not mandatory.
Does not agree to requirement for management company to be set up for a road to be agreed as remaining private.	2	HCC seeks to provide surety to residents over long term maintenance of estate roads. Without a management company in place it does not believe that this surety exists, to an extent that an exemption from the APC code can be issued. Further clarity has been added to the relevant section of the document ("Private Roads in Hampshire").
HCC lacks resource for pre-application process.	1	Resourcing of the wider Road Agreements process is an internal matter for HCC, not addressed by this document.
Would a statement in S106 clarifying intentions with regard to adoption negate the need for APC Bond.	1	No – HCC seeks clarification on intentions so as to work towards agreement of adoption under Section 38 of the Highways Act in an effective, collaborative way. However, an exemption from the APC process cannot be granted until a Section 38 Agreement is in place. The position statement has been updated to provide additional clarity (see "Establishment of Intent" section)
S37 notices should remain available in certain circumstances.	1	HCC maintains its position with regards to S37, namely that if the proposed highway is not of sufficient utility to the public to justify being maintained at public expense, or does not meet current technical standards required by the Council for approval and adoption of estate roads, the Council will refute any S37 notice and make the appropriate complaint to a Magistrates' Court.
Clarification required for "all relevant building works"	1	The position statement has been updated to provide additional clarity.

Concerns about how developers funds APC Bond requirements.	1	The County Council is meeting its statutory requirements through formal application of the APC process. Funding is an internal matter for developers. However, the County Council will seek to work effectively and collaboratively with developers where possible, so as to be able to reach agreement on any exemption from the APC code and secure the repayment of bonds.
If APC isn't served within 6 weeks of initial notice being received, can this be enforced after or before	1	The County Council is unable to serve notice outside of this window. The APC Guidance document provides further clarity.