

Meeting Minutes Earlsbrook Development Update – London & Quadrant (“L&Q”) and United Utilities (“UU”)

Venue: The Bowling Room, Delamere Community Centre, Station Road, Delamere, Cheshire, CW8 2HT

Date: 05 March 2023 Time: 1400hrs – 1800hrs

Attendees:

John Edwards: Delamere & Oakmere Parish Council Chair

Cheryl Jones Head of Development Northwest, L&Q

Claire Kempton: Head of Aftercare, L&Q

James Barrett Construction Manager, L&Q

Nick Anderson Project Manager, L&Q

Kat Noller Development Manager, L&Q

Ian McCoy Stakeholder Manager, United Utilities

In the presence of: **Ted Lush** Tarvin and Kelsall, Ward Councillor

And Members of the Public This record of minutes is supplementary to the Presentation provided by L&Q and UU.

The Chair introduced the meeting and set out the aims and expectations before handing over to Ian McCoy from UU.

Earlsbrook sewerage system:

- Ian McCoy opened the meeting by providing a presentation document.
- Sewer adoption will be part of the legal, section 104 of the water industry act process– UU are continuing to work with L&Q to rectify any issues found following the surveying of the sewerage systems online. Ian pointed out that this is not unusual on a new build development and UU have submitted the defects list to L&Q.
- L&Q confirmed a contractor has been confirmed to carry out the dredging works.
- The pumping station has not been inspected and this will be completed towards the end of the process by UU. This process was also later confirmed and explained in more detail by James, L&Q.

Flooding to Station Road:

- 2 instances of flooding have been reported to UU since the last meeting on 5th December.
- By the time UU can attend to inspect the flooding, it is often gone. Ian said they need the evidence to try to ascertain the cause. Ian noted that the last 2 instances coincided with heavy rainfall.

Vyrwny Modernisation Programme:

- Residents should have received a letter to update them that works will begin in March. This is expected to continue through to July, although not continuously. There will be fortnightly UU surgeries regarding this at the Community Centre for residents to speak about this or other issues involving UU.
- Post meeting note – works have commenced to the aqueduct.

A member of the public queried what the S104 defects were that were issued to L&Q from UU. UU confirmed that a schedule had been issued to L&Q and no further detail would be shared at this stage. Residents will be notified when works commence to the S104 drainage, advising on impacts on them, and timescales associated.

L&Q

- Cheryl Jones spoke next to introduce the presentation for L&Q. She began by introducing L&Q, branding information and company ownership information, for the benefit of those who were not able to attend the December meeting. Cheryl stated they are committed to working collaboratively with partners to ensure all the issues on Earlsbrook are resolved.
- Cheryl explained they're not moving as quickly as they normally would be due to the fact they inherited the site. They are in the process of developing plans of action to ensure they are happy that everything is to the quality they would expect for their customers.
- Kat summarised the build stage of the development.
- Most of the outstanding works to unoccupied properties are to the internals. The plan is to remarket the homes under L&Q and not Laurus.
- The priority works for them on site currently is for the public open space.
- James confirmed they're talking to contractors and in the process of packaging out the works. This will be, Phase 1 - Public Open Space and dredging of the brook. Phase 2 will be works to the drainage. Phase 3 will be works to the footpaths and roads when works to drainage is complete. Phase 4 will be completion of any incomplete plots.
- Nick provided more details on Phase 1 and the removal of excess earth from site which will positively impact drainage. They are waiting for tender returns to do this work. Once a contractor has been found they estimate the first stage of the earth removal works with take approx. 4 months to complete, followed by delivery of the public open space.
- Nick explained that before the brook could be dredged a permit was required from Cheshire West and Chester Council (CWaC). Borough Councillor Lush said he would follow this up which he did. POST-MEETING UPDATE: L&Q began dredging of the brook in April 2024. These works are expected to take 6 weeks, though have been impacted by periods of heavy rain. Completion is estimated at the end of May.
- Nick confirmed Public Open Space plans.
- James confirmed they will also work on the Roundabout as part of Phase 3.
- Cheryl Jones confirmed that L&Q are working with UU to rectify any defects identified in the surveys.

Q: The above prompted a question from a member of the public who asked what the actual issues are with drainage. It was explained that there is some infiltration of ground water into the manholes.

Nick replied that the brook is blocked which has raised the groundwater levels on site, the pressure of which is affecting the foul water, as the natural drainage of the site via the brook is not operating as it used to.

Q.. A member of the public queried that if this brook blockage happened again once L&Q have left the site, who is responsible for that? Will it be UU, L&Q or the management company?

Cheryl replied that the element of the brook within the scheme would be the responsibility of the management company for the site and once the site has been adopted. The responsibility of keeping the brook clear will be that of the management company on site.

Kat confirmed that the management company will be appointed by L&Q.

Q. A member of the public mentioned about the pumping station not being surveyed as yet and that he believes that it may be exacerbating the issues on site, to the brook and to the flooding on station road. He strongly suggested that this inspection needs to be completed asap.

UU replied that they will have a conversation and see if that inspection can be brought forward. He does not think the pumping station is overwhelmed and the clearing of the brook will undoubtedly make a difference.

Cheryl said that although the formal inspection has not taken place for final sign off, they have leaned on some experts to look at it and ensure its working.

It was explained that before the brook could be dredged a permit was required from Cheshire West and Chester Council (CWaC). Borough Councillor Lush said he would follow this up which he did. (The application was submitted on January 31st. In early February CWaC sought further information from L & Q and also had discussions with UU. A determination on the proposal must be made within 2 months of the application and CWaC have confirmed that they will be able to do this.)

Q. Resident asked what guarantees are in place to ensure the site does not flood as it used to when it was Marley tiles especially given that there are still hoses pumping water away from site.

James responded to say a flood risk assessment was carried out as part of the planning process and has been reviewed. Due to the large amounts of spoil on the site, once that is removed, they will form attenuation basins on the POS, that is designed to take the 1 in 100-year flood. James also confirmed that the low manhole covers on site will be raised as part of the sequence of works with UU and Highways. James said we will see some major changes on site from April/May following the muck shift.

- Claire Kempton then introduced the next section regarding Customer Care/Aftercare. She explained that the one-to-one sessions they had booked with residents were cancelled due to unforeseen circumstances and apologised for this. She assured the room that those would be rescheduled in due course.
- Claire said she is happy to announce that the works by BAAS had now begun, although nowhere near as quick as they would like. She is working with procurement to secure an additional contractor to help with the existing defects.
- Claire confirmed that the 2-year defect warranty period would not be extended beyond the 2 years.

Q: A resident queried how this could be the case when it's been hard to log issues. Claire said the reporting channels have always been in place to which another resident provided an example of how he provided a 200 point defect list to Laurus Customer Care when he first moved in. He has

since been told that these are not on the system as he has been told by Jo Spate that at the time of him logging them they did not have the risk management software in place.

Claire said issues will be looked at by a case-by-case basis and she cannot comment about things done before her time. Claire said there has always been open dialect with residents to which some residents in the room didn't agree.

- L&Q will be bringing in a 'Resident Liaison Officer' who will act as the port of call for residents and they will be largely based on site. They will also be bringing out a newsletter following the surgery. UPDATE: Newsletter was issued to site end of March 24 and is included with the minutes.
- James confirmed they have appointed a contractor to make the street scene more presentable in the spring, along with the roundabout on Station Road.
- Claire confirmed that L&Q are committed to bringing the houses up to the standard they expect them to be.

Multiple residents raised concerns that L&Q were not attending the properties to access what was needed to bring them to standard. There was also conversation about customer care struggling to handle the number of calls and emails they receive each week. Residents highlight the run of broken promises and lack of action. An example highlighted was that the surgery appointments were cancelled in January, and it was now March with no contact to re-schedule. Claire agreed that this is not good enough and she will expedite this.

The chair confirmed this would be taken as an absolute action to get these rescheduled as soon as possible. UPDATE: Cancelled appointments have been rebooked and held in April. Further sessions will be offered to customers in June.

A resident raised that they had not received any contact from the appointment contractors BAAS. They came home one day and were told that BAAS had been working on the outside of their property. Claire said she would take his details to investigate.

Q. A resident said she has had warranty issues work completed which now have issues and wanted to know whether that now the 2 years has expired whether this work was covered.

Claire confirmed they would.

Q. A question was asked about what is happening about the service charge.

Cheryl said she need to check what is happening with this with the leasehold management team.

Kat confirmed that all service charge is being refunded to residents until a managing agent is in place.

Q. Is there a sinking fund provision for the brook going forward?

Nick said the brook will be managed by the management company periodically as ongoing works, there is a sinking fund contained within the service charge which covers elements of the SUDS.

Q. A resident raised an issue about trends with defect and are these being considered across the site?

Claire confirmed the system they're using now highlights trends. She said they are not going anywhere and will deal with these trends.

- Councillor Lush said it has taken now around 9 months to effect what looks like a good plan where you will see improvements to the infrastructure on the site. He stated he would like to see the same kind of detailed plan put into operation for the defects in the properties. He said the '2 year time limit' that they mentioned is very unhelpful because things have been allowed to drift by L&Q. He would like to see a detailed plan on a 'per property' basis to address the significant defects.

Claire noted this.

The discussion then reverted to trends with residents highlighting some trends that are obvious don't appear to be being looked at across the development. Specifically, around joists, guttering and door issues.

Claire agreed that some of these trends are alarming although that the properties were signed off by the NHBC and Building control.

A resident said that during a visit to his property regarding the joists the NHBC explicitly told L&Q that they did not sign off the joists. He said he has concerns that the properties have major structural issues.

The resident also stated that it's disingenuous for them to state they have inherited these issues on site as all the houses were purchased from L&Q. He raised his concerns with BAAS due to how little they have got through and his concerns that they are the cheapest options.

James said that he is aware of the issues with floors, and it will be the construction department that will be reviewing any issues with floors. James said he is working with 2 structural engineers to advise on how to proceed with the works. James reassured residents he would work hard to rectify any issues with floors/joists.

The resident queried whether one of the structural engineers was Sean Keys from Sutcliffes and wanted it on record that he attended properties on L&Q's instruction and lied that the floor issues were just shrinkage until the NHBC attended and disagreed.

James reassured that they have two structural engineers as they don't want to take the word of just one.

Claire reminded resident that if they have any concerns, they can go to the NHBC and who will in turn conduct a full inspection

Q. A resident raised the issues with her flooded gardens.

Nick replied that there was a record rainfall and that the water table is high on site, once the brook is dredged it will highlight issues with specific gardens.

Q, A resident stated that a property had had an issue with the guttering, when a contractor attended to resolve the issue, he stated that the guttering used on the properties was too small for the properties. Will you now go away and have a look at other properties.

Claire said this will be picked up as a trend on the system. However, the resident highlighted that many wouldn't know that it was the wrong guttering. He said they need to be proactive and do this on all the houses. The resident asked if they will now go away and consider reviewing the guttering on all properties.

James queried what highlighted the issue with the guttering and the resident confirmed that it could not tolerate the water in rainfall and was overflowing. Post-meeting note – L&Q have reviewed the gutter specification in liaison with the gutter manufacturer, and it has been confirmed that the specified gutters are adequate within their modelling based on roof pitches and sizes. Any resident with gutter issues should contact L&Q aftercare team.

Q. A resident said they had employed a surveyor who came and listed issues with pointing. She asked if they would address this. She has also had the guttering issue and the contractors said it was too shallow which caused sleepless nights. She believed this would be her forever home, however due all the issues they don't believe this to be the case. She commented on the inaction of L&Q and the stress this is causing. The resident said we are pleading with you to understand what we are living through.

The chair commented that we do need a plan on a house level as well as a site issue. This was noted by L&Q, and per the above we are committed to putting issues right on all homes.

Q. A resident queried whether as a gesture of goodwill would they employ an independent surveyor to survey the properties. This would show residents that you are on their side and trying to do something about their houses.

James said that the people with the floor issues, it's obvious that they have floor issues. If it's not obvious to you then you don't have the same issues. James said an investigation to see if you do have an issue would be extremely intrusive as it means floorboards up and ceilings down.

Claire said she would take this point away.

Q. A resident asked whether they would be willing to do spot checks on other properties to see if they have the same issues as the 4 out of 4 with flooring issues.

James confirmed they are investigating some of the empty properties and using them as a Guinea pig. If they find major defects, they will communicate this to residents.

Some residents then discussed that they were told during the purchasing process that they were not permitted to get a snagging survey prior to moving in.

Q. A resident said that although they are extremely grateful that they have come, we are treading the same water. He said that although the surgeries are a great idea a lot of residents can't do working week. Also, that the residents meeting should be later.

Claire said they will do them 4-7. Cheryl said that they can do this later. UPDATE: Cancelled appointments have been rebooked and held in April. Further sessions will be offered to customers in June. These were until 7pm.

Q. A resident highlighted that at times the people we have been dealing with have been so underhand and the level of mendacity and lies has been extreme. He believes that Ilan Shapiro is a liar. The NHBC told him that anyone looking at them can see they are not right are in fact 4 times above the tolerance. A structural engineer was appointed, Ilan Shapiro and numerous construction directors attend and lied, sighting that they were fine, and it was shrinkage. The resident stated he has made the board aware of this situation and that he believes we are currently in valueless houses and there should be media attention on this as it is absolutely scandalous.

James and Kat reassured the meeting that all the contractors for specific packages of work would be specialists in that area. James said the last thing he wants to do is fail residents again and would be

making sure the contractors are right. He confirmed the selection is not about money but about getting in the right people.

Q. I resident asked about the houses being built on a certain level of water and the concerns of draining out too much water and this then this causing an issue with foundations. He asked if the muck shift is risk free.

James confirmed said that the land would be returned to the designed levels. .

Cheryl explained that the houses were built on the environment that they should have been. The environment has then changed significantly due to the muck build up. Once removed it will return to how it should have been.

The meeting was concluded and suggestions of the next meeting being in June. Cheryl said that as a good will gesture they would trim back the overgrown plants on the roundabout.