

Dear

I am writing to you in reply to your Freedom of Information Act (FOIA) request to Nottinghamshire County Council. I have the following information.

1. Please could you confirm what are the individual elements that your Authority includes within their bond requirement for all highways work for S278 and S38 agreements?

The value of the bond required is based upon what costs the Authority would incur if required to complete the works. All elements of construction that the developer would need to carry out are included as set out in Section 6.15 of the Nottinghamshire Design Guide: -

Surety

6.15 We must be protected against the risk of unforeseen expenditure if you leave the highway works unfinished for any reason. So, you should provide us with an estimated cost of the highway works for our approval, including any highway structures, highway drainage, works to service providers equipment (for example, gas, water, cable TV). We will provide a cost for any commuted sums (where applicable). You must provide us with an appropriate surety equal to the approved cost of the highways works including commuted sums. This may be in the form of:

- a bond with a recognised financial institution; or
- the equivalent sum of monies lodged with us.

2. Please could you provide an average value for bond provision for S278 and S38 agreements?

The council does not record an average value. To establish an average bond value would require the extraction of each Section 38 and 278 Agreement and then to identify the bond value, record it and then calculate an average value. My estimate is that each year there are in the region of 200 such agreements. Assuming that the average bond value requested is for the last year only and allowing for an average of 15 minutes per agreement to extract the agreement, establish the bond value and then record it this would require 50 hours of staff time. This question is therefore refused under Section 12 of the FOI Act.

3. Please confirm what items of highway apparatus currently attract commuted sums, and what are the individual costs?

Please see attached Excel Sheet. Costs are subject to an inflationary factor.

4. Would you consider using the developer obtained tender value for calculating the bond provision for S278 and S38 agreements?

This question is outside of the scope of FOI – It is requesting an opinion and not information.

5. Please could you confirm your inspection fee or percentage applicable relevant to the bond provision for S278 and S38 agreements?

The Authority charges an inspection fee relevant to inspecting works subject to Section 38 and 278 Agreements which is calculated on the value of the works. Details are available at:

<https://www.nottinghamshire.gov.uk/DMS/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=lic8RYOW9rsk5x3yzEMUImq9%2b0QwuIwvnhIuxtNBoJ8%2bwfN2I3c8Jg%3d%3d&rUzwRPf%2bZ3zd4E7Ikn8Lyw%3d%3d=pwRE6AGJFLDNIh225F5QMaQWctPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSFfXsDGW9IXnlq%3d%3d=hFfUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFfUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJff55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdURQburHA%3d&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJff55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJff55vVA%3d&WGewmoAfeNQ16B2MHuCPMRKZMwaG1PaO=ctNJff55vVA%3d>

Highway S38/S278 Timescale

Section S278 Agreements relating to residential developments during each of the past 5 financial years.

1. Please could you confirm the average time taken from technical submission to the issue of a technical approval?

There are approximately 300 Section 278 Agreements in the last 5 years. Using the same data as in question 2 above regarding extraction, identification and recording of information the cost to provide this information is estimated to be £1875 therefore Section 12 of the FOI Act applies.

2. Please could you confirm what is the average time from technical approval to the completion of a Section 278 legal agreement? i.e. legal engrossment?

Exempt under Section 12

3. Please could you confirm the average time to grant a Street works Permit, post execution of the document in question 2?

Exempt under Section 12

4. What in your opinion is an appropriate timescale for the submission and financial execution of a S38/ 278 Agreement?

This question is outside of the scope of FOI – It is requesting an opinion and not information.

5. What improvements do you think could be made to the overall process from submission to engrossment?

This question is outside of the scope of FOI – It is requesting an opinion and not information.

6. Section 38 Road Adoptions relating to residential developments during each of the past 5 financial years.

a. Please could you confirm what is the average time taken:

Exempt under Section 12

b. from technical submission to technical approval to;

Exempt under Section 12

c. completion of a Section 38 legal agreement to;

Exempt under Section 12

d. commencement of the maintenance period to;

Exempt under Section 12

e. the date of formal adoption to;

Exempt under Section 12

f. notification that any bond can be cancelled

Exempt under Section 12

Please note, if the HBF wish to discuss matters related to Section 38 and 278 Agreements and associated matters then we are pleased to arrange a suitable meeting. Contact Clive Wood at: clive.wood@nottsc.gov.uk

If you have any queries or concerns then please contact me. Please remember to quote the reference number above in any future communications.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to the Team Manager, Complaints and Information Team, County Hall, West Bridgford, Nottingham, NG2 7QP or e-mail foi@nottsc.gov.uk.

Yours sincerely

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