



Reference: FOI2016

Request:

Highway Bond Provision

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?

See attached extract - section 21-30.

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

S278 - £200,292.48 (active sites at 31 March 2019) S38 - £299,719.32 (active sites at 31 March 2019)

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

None.

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

No.

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

7.5%

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?

We do not have records confirming the average time taken from technical submission to the issuing of technical approval. All technical approvals within North Tyneside are considered on an individual basis and this is based on the size and complexity of the works (i.e. a new roundabout into a residential estate will take longer than a new vehicular access). A major scheme (200 dwellings plus associated adoptable highway infrastructure) will generally take around three months to achieve full technical approval whereas a small vehicular access will take around 4 weeks.

The information supplied to you is owned by the council unless otherwise stated and may be protected by copyright. You are free to use it for your own purposes, including any non-commercial research or for the purposes of news reporting. Any other re-use of a commercial nature will require the permission of the Council. Further enquiries in this respect should be directed to Head of Law and Governance, North Tyneside Council, Quadrant The Silver Link North, Cobalt Business Park, North Tyneside, NE27 0BY



Reference: FOI2016

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?

We do not have records confirming the average time taken from technical approval to the completion of a Section 278 Legal Agreement. All sites/developments are considered on an individual basis. Various factors must be taken into account during the timescales, i.e. the complexity of the site and also the time taken by the developer's legal representative to respond to the Section 278 Legal Agreement and any additional queries the Council may have associated with the Legal Agreement.

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

Streetworks Permits are not granted for works under a S278 Agreement

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

We do not have a view on this

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

We do not have a view on this

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:

b. from technical submission to technical approval to;

We do not have records confirming the average time taken from technical submission to the issuing of technical approval. All technical approvals within North Tyneside are considered on an individual basis and this is based on the size of site, number of units and amount of adoptable infrastructure the developer wishes the Council to adopt. A development with 200 dwellings plus associated adoptable highway infrastructure will take around ten weeks compared to a development with 10 units taking around four weeks.

c. completion of a Section 38 legal agreement to;

We do not have records confirming the average time taken from technical approval to the completion of a Section 38 Legal Agreement. All sites/developments are considered on an individual basis. Various factors must be taken into account during the timescales, i.e. the complexity of the site and also the time taken by the developer's legal representative to



Reference: FOI2016

respond to the Section 38 Legal Agreement and any additional queries that may arise during this process.

d. commencement of the maintenance period to;

We do not have records confirming the average time taken for the development to commence the maintenance period. The maintenance period is determined by many factors such as what priority the developer gives the site in order to bring it up to an adoptable stand in order to commence the maintenance period, how long it takes the site to be built out therefore allowing the roads and footpaths to be constructed, the appointment/tendering by the developer of sub-contractors to carry out the adoptable works and third party issues (utility operators etc)

e. the date of formal adoption to;

We do not have records confirming the average date taken for formal adoption as this is dependent on the size of the development, the scope of the remedial works, the priority the developer places on the site with regards other developments within the borough and third party approvals (i.e. Northumbrian Water Section 104 adoption etc)

f. notification that any bond can be cancelled.

We do not have any records confirming the average time taken regarding the notification that the bond can be cancelled as this is dependent on the developer writing in or e-mailing a request that any outstanding monies relating to the agreement be released. This is purely down to the developer and what priority they place on this task.