



RE Highways Network Management,
Colindale Offices,
2 Bristol Avenue, Colindale, NW9 4EW
10 December 2019
Our ref: 5830732

Thank you for your request received on 26 November 2019, for the following information:

Highways 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?**
- 2. Please could you provide an average value for bond provision for S278 and S38 agreements?**
- 3. Please confirm what items of highway apparatus currently attract commuted sums, and what are the individual costs?**
- 4. Would you consider using the developer obtained tender value for calculating the bond provision for S278 and S38 agreements?**
- 5. Please could you confirm your inspection fee or percentage applicable relevant to the bond provision for S278 and S38 agreements?**

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?**
- 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?**
- 3. Please could you confirm the average time to grant a Streetworks Permit, post execution of the document in question 2?**
- 4. What in your opinion is an appropriate timescale for the submission and financial execution of a S38/ 278 Agreement?**
- 5. What improvements do you think could be made to the overall process from submission to engrossment?**
- 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;**
 - c. completion of a Section 38 legal agreement to;**
 - d. commencement of the maintenance period to;**
 - e. the date of formal adoption to;**
 - f. notification that any bond can be cancelled.**

We have processed this request under the Freedom of Information Act 2000.

Response

I can confirm that London Borough of Barnet holds the information you requested.

However, we consider that the following exemption applies to some of the information requested. The remaining information is not withheld and is below.

Highways 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?

Total estimated costs of the highway works, diversion/alterations of statutory services affected by s278 works, contingency

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

s278 / s38 agreements widely vary in complexity/extents. Typically the Bond provided needs to include the elements identified in 1. Above and it is not practical to provide any figures

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

Please see link below:

Commuted Sums: Item 13 of 08 Nov 2016 Environment Committee:

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=695&MId=8591>

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

We would need to assess / compare this against our prepared estimated costs based on Council's term contractor rates

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

Not applicable

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?

Depends on the complexity/scope of the scheme and where required third party consultation/input, but typically 8 to 12 weeks.

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?

Depends on the complexity/scope of the scheme, but typically minimum 8 to 12 weeks.

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

Depends on network co-ordination / other scheme promoters in vicinity of the proposed works but typically 4 weeks minimum

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

Minimum 12 months

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

None

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:

Typically 3 to 6 months minimum depending on the complexity of the scheme

b. from technical submission to technical approval to;

6 months minimum

c. completion of a Section 38 legal agreement to;

Depends on the site construction – maintenance periods are 24 months minimum from issue of substantial.

d. commencement of the maintenance period to;

Depends on Developer fulfilling all obligations within legal agreement before final certificate issue / formal adoption

e. the date of formal adoption to;

Depends on Developer fulfilling all obligations within legal agreement before formal adoption

f. notification that any bond can be cancelled.

Bonds are normally reduced at substantial completion (usually by way of letter) and cancelled on issue of final certificate

We consider that the absolute exemption set out in Section 21 (Information accessible by other means) applies to the information requested because the information requested is already reasonably accessible elsewhere.

Further information

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

Advice and Assistance : Direct Marketing

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link www.ico.org.uk

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.

Your rights

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: foi@barnet.gov.uk. Or by post to Information Management Team (FOI) London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website www.ico.org.uk). There is no charge for making an appeal.