

Information Governance

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Please contact Information Governance
Direct line 024 7697 5408
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Dear Sir/Madam

**Freedom of Information Act 2000 (FOIA)
Request ID: REQ07715**

Thank you for your request for information relating to S278 and S38 agreements.

Your request and our responses are outlined below:

- 1. Please could you confirm which of these individual elements your Authority includes within your bond requirement for all highways work for S278 and S38 agreements?**

All elements: Carriageways Cycleways Drainage Earthworks Footways/paths Fencing Highway Retaining Structures Kerbing Landscaping Road Construction	Road Works Service Strips Signage Street Furniture Street Lighting Traffic Calming Traffic Signals Trees Verges
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Do not hold information:
Not applicable:
Other/Additional Comments:

The Council include all works required in order to deliver the final scheme that is to be adopted by the Council.

2. Please could you provide the total bond value for S278 and S38 agreements for the past 3 financial years, and the total number of bonds completed in each year?

- a. Total bond value
- b. Total number of completed bonds
- c. Additional Comments:

Please see response after Q23 below.

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

<p>Blockwork Bollards Bridges Bus Shelters Carriageways Crossings Culverts Cycle Stands Cycleways Drainage Earthworks Footways/paths Fencing Highway Retaining Structures Hydrobrakes Illuminated Signage</p>	<p>Kerbing Landscaping Paving Retaining Walls Road Construction Road Works Service Strips Signage Soakaways Street Furniture Street Lighting Swale Maintenance Traffic Calming Traffic Signals Trees Verges</p>
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Do not hold information:

Not applicable:

Other/Additional Comments:

Any non-standard infrastructure will attract a commuted sum, with an individual calculation undertaken to determine the appropriate costs.

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

- a. S278
- b. S38
- c. Both

Section S278 Agreements relating to residential developments during each of the past 3 financial years.

We can confirm that we hold this information and it is accessible to you via the Council's website via the following link:-

https://www.coventry.gov.uk/info/114/parking_travel_and_streets/2654/developer_schemes_-_technical_auditinspection/8

We therefore do not have to provide the information as per Section 21 of the FOIA.

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

S278 – Average time from Technical Submission to Technical Approval. Average time in weeks

- a. 2017-2018**
- b. 2018-2019**
- c. 2019-2020**

Please see response after Q23 below.

6. Please could you confirm what is the average time from technical approval to the completion of a Section 278 legal engrossment? Average time in weeks.

- a. 2017-2018**
- b. 2018-2019**
- c. 2019-2020**

Please see response after Q23 below.

7. Please could you confirm the average time to grant a Streetworks Permit, post execution of Legal Engrossment? Average time in weeks.

- a. 2017-2018**
- b. 2018-2019**
- c. 2019-2020**

Section 38 Road Adoptions relating to residential developments during each of the past 3 financial years.

Please see response after Q23 below.

8. Please could you confirm what is the average time taken from technical submission to a response to the submission? Average time in weeks.

- a. 2017-2018**
- b. 2018-2019**
- c. 2019-2020**

Please see response after Q23 below.

9. Please could you confirm what is the average time taken from the response to Technical Approval? Average time in weeks.

- a. 2017-2018**
- b. 2018-2019**
- c. 2019-2020**

Please see response after Q23 below.

10. Please could you confirm what is the average time taken from Technical Approval to the completion of a Section 38 legal agreement? Average time in weeks.

- a. 2017-2018**
- b. 2018-2019**
- c. 2019-2020**

Please see response after Q23 below.

11. Please could you confirm what is the average time taken from the completion of a Section 38 legal agreement to the commencement of the maintenance period? Average time in weeks.

- a. 2017-2018**
- b. 2018-2019**
- c. 2019-2020**

Please see response after Q23 below.

12. Please could you confirm what is the average time taken from the commencement of the maintenance period to the date of formal adoption? Average time in weeks.

- a. 2017-2018**
- b. 2018-2019**
- c. 2019-2020**

Please see below. To assist, the maintenance period is 52 weeks and the time period to adoption depends on the execution of any final snagging and provision of all outstanding information/documents.

13. Please could you confirm the average time from the issue of the Final Certificate to the cancellation of the bond? Average time in weeks.

- a. 2017-2018**
- b. 2018-2019**
- c. 2019-2020**

Please see response after Q23 below.

14. If you reduce the value of the bond as a development progresses at what stages do you reduce the value, and by what percentage?

- a. Stage the value is reduced**
- b. Percentage of reduction**

The Part 1 and Part 2 certificate requirements are set out within each legal agreement as is the value of any reduction/remaining bond.

Survey Questions

15. What in your opinion is an appropriate timescale for the submission and final execution of a S38/ 278 Agreement, and why?

Please see response after Q23 below.

16. Do you have target timescales for submission to final execution? If yes, what are they?

Please see response after Q23 below.

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

Please see response after Q23 below.

18. What improvements are you already considering/ have already implemented? For example, Hampshire have created a developer portal which allows the developer and HA to monitor the progress of any S278/S38 agreements at all stages.

None.

19. Would you consider using the developer obtained tender value for calculating the bond provision for S278 and S38 agreements? What conditions would you need in place to do/consider doing this?

- a. S278
- b. S38
- c. Both

No.

20. Are you currently planning to/ do you use Novation Agreements for step in rights for developers and contractors where original contractors do not complete works?

- a. S278
- b. S38
- c. Both

No.

21. Would you accept applications for and grant Street Works Permits prior to Legal Engrossment on the proviso that planning permission has been granted?

- a. S278
- b. S38
- c. Both

No.

22. What in your opinion is an appropriate timescale for Technical Submission to Formal Adoption for both S278 and S38 agreements?

Please see response after Q23 below.

23. Would you consider completion of a legal agreement before confirmation of Land Title Registration?

No.

In response to questions 2, 5 – 11 and 13;

We can confirm that we do not hold this information and are advising you as per Section 1(1) of the Act as the information is not stored in the format requested.

In response to question 15 – 17 and 22, a Freedom of Information Request is to share information held by the Council, it is not for the purpose of an individual officer to offer personal opinions.

Should you wish to make any further requests for information, you may find what you are looking for is already published on the [Council's web site](#) and in particular its FOI/EIR [Disclosure log](#), [Council's Publication Scheme](#), [Open Data](#) and [Facts about Coventry](#).

If you are unhappy with the handling of your request, you can ask us to review our response. Requests for reviews should be submitted within 40 days of the date of receipt of our response to your original request – email: infogov@coventry.gov.uk

If you are unhappy with the outcome of our review, you can write to the Information Commissioner, who can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or email casework@ico.org.uk.

Please remember to quote the reference number above in your response.

Yours faithfully

Information Governance