



HBF Freedom of Information Request

Dear Sir/Madam,

The Home Builders Federation is the representative body for house builders in England, Wales, and Scotland. HBF's membership of more than 300 companies build the majority of open market homes for sale completed in England and Wales and encompasses private developers and registered providers.

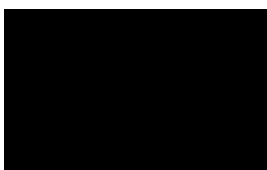
The HBF host a series of dedicated technical subgroups to support the housebuilding sector in a bid to share best practice, knowledge and understanding. The subgroup topics range across key industry areas, with highway related matters being one of the most pivotal parts in the delivery in much needed new homes that requires an industry coordinated approach.

The HBF Highways subgroup has formulated a series of questions of which, we have been asked to submit to several Local Authority Highway Departments under a Freedom of Information request. There is also an optional survey at the end of this document asking for your opinion on certain aspects of S 278/S 38 agreements, and we would be very grateful if you could fill this in for us along with the main FOI request.

We kindly request that you do not provide web links, or Excel Spreadsheets as answers to any of the questions as we have had issues with links not working or spreadsheets not opening correctly in the response to our last FOI request. To make it easier for you to provide the answers to our questions I have created tables for you to fill in which will hopefully make the process of responding easier for you.

Whilst we look forward to hearing from you, in the meantime, should you have any queries, please do not hesitate to contact my PA on [REDACTED]@hbf.co.uk.

Kind regards



[REDACTED] - HBF Technical Director.

Highway Bond Provision

1. Please could you confirm which of these individual elements your Authority includes within your bond requirement for all highways work for S 278 and S 38 agreements? *Please use the tick boxes provided.*

Elements	S 278		S 38	
	YES	NO	YES	NO
All elements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Carriageways	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cycleways	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drainage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Earthworks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Footways/paths	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Highway Retaining Structures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kerbing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Landscaping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Road Construction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Road Works	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Service Strips	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Signage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Street Furniture	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Street Lighting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Traffic Calming	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Traffic Signals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Verges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do not hold information	<input type="checkbox"/>		<input type="checkbox"/>	
Not applicable	<input type="checkbox"/>		<input type="checkbox"/>	
Other/Additional Comments: all apart signals				

2. Please could you provide the total bond value for S 278 and S 38 agreements for the past 3 financial years, and the total number of bonds completed in each year?

Financial Year	S 278			S 38		
	2018-2019	2019-2020	2020-2021	2018-2019	2019-2020	2020-2021
Total bond value	27m	22m	25m	Nil	nil	nil
Total number of completed bonds	81	66	73			
Additional Comments:						

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

Item of adoptable highway infrastructure	YES	NO	If yes – Individual cost per unit
Blockwork	<input type="checkbox"/>	<input type="checkbox"/>	
Bollards	<input type="checkbox"/>	<input type="checkbox"/>	
Bridges	<input type="checkbox"/>	<input type="checkbox"/>	
Bus Shelters	<input type="checkbox"/>	<input type="checkbox"/>	
Carriageways	<input type="checkbox"/>	<input type="checkbox"/>	
Crossings	<input type="checkbox"/>	<input type="checkbox"/>	
Culverts	<input type="checkbox"/>	<input type="checkbox"/>	
Cycle Stands	<input type="checkbox"/>	<input type="checkbox"/>	
Cycleways	<input type="checkbox"/>	<input type="checkbox"/>	
Drainage	<input type="checkbox"/>	<input type="checkbox"/>	
Earthworks	<input type="checkbox"/>	<input type="checkbox"/>	
Footways/paths	<input type="checkbox"/>	<input type="checkbox"/>	
Fencing	<input type="checkbox"/>	<input type="checkbox"/>	
Highway Retaining Structures	<input type="checkbox"/>	<input type="checkbox"/>	
Hydrobrakes	<input type="checkbox"/>	<input type="checkbox"/>	
Illuminated Signage	<input type="checkbox"/>	<input type="checkbox"/>	
Kerbing	<input type="checkbox"/>	<input type="checkbox"/>	
Landscaping	<input type="checkbox"/>	<input type="checkbox"/>	
Paving	<input type="checkbox"/>	<input type="checkbox"/>	
Retaining Walls	<input type="checkbox"/>	<input type="checkbox"/>	
Road Construction	<input type="checkbox"/>	<input type="checkbox"/>	
Road Works	<input type="checkbox"/>	<input type="checkbox"/>	
Service Strips	<input type="checkbox"/>	<input type="checkbox"/>	
Signage	<input type="checkbox"/>	<input type="checkbox"/>	
Soakaways	<input type="checkbox"/>	<input type="checkbox"/>	
Street Furniture	<input type="checkbox"/>	<input type="checkbox"/>	
Street Lighting	<input type="checkbox"/>	<input type="checkbox"/>	
Swale Maintenance	<input type="checkbox"/>	<input type="checkbox"/>	
Traffic Calming	<input type="checkbox"/>	<input type="checkbox"/>	
Traffic Signals	<input type="checkbox"/>	<input type="checkbox"/>	
Trees	<input type="checkbox"/>	<input type="checkbox"/>	
Verges	<input type="checkbox"/>	<input type="checkbox"/>	
Do not hold information			<input type="checkbox"/>
Not applicable			<input type="checkbox"/>
Other/Additional Comments: All aspect of extra highway will attract commuted sum at different level for different additions.			

4. Please could you confirm your inspection fee or percentage applicable relevant to the bond provision for S 278 and S 38 agreements?

S 278		S 38		Both	
Fees	Percentage	Fees	Percentage	Fees	Percentage

Additional Comments: At time spent on reviewing and inspecting S 278 works is time charged to the S 278. Many staff members are involved in this process at different hourly rates. Therefore each project will have a different cost.

Highway S 38/S 278 Timescales

Section S 278 Agreements relating to residential developments during each of the past 3 financial years.

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

S 278 – Average time from Technical Submission to Technical Approval.			
Financial Year	2018-2019	2019-2020	2020-2021
Average time in weeks			

Additional Comments: We have over 300 S 278 project at the moment ranging from a £5k crossover to a £60m change to A312 and M4. Each scheme is different therefore there is no average cost.

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

S 278 – Average time from Technical Approval to completion of Legal Engrossment.			
Financial Year	2018-2019	2019-2020	2020-2021
Average time in weeks			

Additional Comments: Same rational as above no real average

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

S 278 – Average time to grant a Street Works Permit, post Legal Engrossment.			
Financial Year	2018-2019	2019-2020	2020-2021
Average time in weeks			

Additional Comments: For work under 10 days normally 10 days for works over 10 day normally around 4 months

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

1. Please could you confirm what is the average time taken from technical submission to a response to the submission?

S38 – Average time from Technical Submission to a response to the submission.			
Financial Year	2018-2019	2019-2020	2020-2021
Average time in weeks			
Additional Comments: No average depends on the size and complexity of project			

2. Please could you confirm what is the average time taken from the response to Technical Approval?

S38 – Average time from the response to Technical Approval.			
Financial Year	2018-2019	2019-2020	2020-2021
Average time in weeks			
Additional Comments: No average depends on the size and complexity of project			

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

S38 – Average time from Technical Approval to Legal Agreement.			
Financial Year	2018-2019	2019-2020	2020-2021
Average time in weeks			
Additional Comments: No average depends on the size and complexity of project			

4. 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?

S38 – Average time from Legal Agreement to commencement of the Maintenance Period.			
Financial Year	2018-2019	2019-2020	2020-2021
Average time in weeks			
Additional Comments: No average depends on the size and complexity of project			

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

S38 – Average time from Commencement of the Maintenance Period to Formal Adoption.			
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Financial Year	2018-2019	2019-2020	2020-2021
Average time in weeks			
Additional Comments: No average depends on the size and complexity of project			

6. Please could you confirm the average time from the issue of the Final Certificate to the cancellation of the bond?

S 38 – Average time from issue of Final Certificate to cancellation of the bond.			
Financial Year	2018-2019	2019-2020	2020-2021
Average time in weeks			
Additional Comments: No average depends on the size and complexity of project			

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

Stage the value is reduced	Percentage of reduction
Additional Comments: of the 150% BOND 60% REDUCTION ON PC AND REMAINER ON FC	

Survey Questions

1. What in your opinion is an appropriate timescale for the submission and final execution of a S 38/ 278 Agreement, and why?

Appropriate timescale for the submission and financial execution of an S 278/S 38 agreement			
	S 278	S 38	or Both
Appropriate Timescale			
Reason	No average depends on the size and complexity of project		

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

Your target Timescales for submission to financial execution						
	S 278		S 38		or Both	
	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Target Timescale						

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

Answer
Make it fully digital

4. 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 S 278/S 38 agreements at all stages.*

Answer
N/A

5. What additional resources would you require to meet standardised timescales in a potential National S standard?

Answer

More staff more time

6. Would you consider using the developer obtained tender value for calculating the bond provision for S 278 and S 38 agreements? What conditions would you need in place to do/consider doing this?

	S 278	S 38	or Both
Yes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maybe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conditions			

7. 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?

	S 278	S 38	or Both
Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maybe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reason	Sometime	Sometime	

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

	S 278	S 38	or Both
Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Maybe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reason			

9. What in your opinion is an appropriate timescale for Technical Submission to Formal Adoption for both S 278 and S 38 agreements?

Appropriate timescale from Technical Submission to the Formal Adoption of an S 278/S 38 agreement			
	S 278	S 38	Both
Appropriate Timescale			
Reason	Don't have one		

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

Answer	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Additional comments:	Additional comments: