

Response to Request for Information

Reference FOI 002538
Date 16 July 2018

Home Builders Federation

Request:

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?

In respect of question 1, it has been established after careful consideration that the Council does not hold the above information in the format requested as this depends on the quality of the submission and the numerous amendments required. The timescales are also dependant on the engineers working on behalf of the developers and the developers program.

Consequently, we are unable to give an average as each Agreement varies depending upon complexity, and are informing you as required by Section 1(1) (a) of the Act, that states:

"Any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request".

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

In respect of question 2, it has been established after careful consideration that the Council does not hold the above information in the format requested as this is down to the Solicitors dealing with the Agreement and cannot be measured as an average as each Agreement varies depending upon complexity. Once instructions have been issued to the Council's Legal Services then the timescales are dependent on the developer's solicitors and the developer signing the Agreement. The Council's Legal Team are proactive in issuing the draft Agreements.

Consequently, we are unable to give an average as each Agreement varies depending upon complexity, and are informing you as required by Section 1(1) (a) of the Act, that states:

"Any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request".

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

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

- a. from technical submission to technical approval to;
- b. completion of a Section 38 legal agreement to;

In respect of questions 1a. and 1b., it has been established after careful consideration that the Council does not hold the above information in the format requested as each technical submission varies depending upon complexity.

Consequently, we are unable to give any averages and are informing you as required by Section 1(1) (a) of the Act, that states:

"Any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request".

- c. commencement of the maintenance period to;

In respect of question 1c., it has been established after careful consideration that the Council does not hold the above information in the format requested as this depends upon the build program of the developer and quality of the work on site which must be approved prior to issuing of the Part 2 Certificate/completion of the Section 38 Agreement.

Consequently, we are unable to give any averages and are informing you as required by Section 1(1) (a) of the Act, that states:

"Any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request".

- d. the date of formal adoption to;

In respect of question 1d., it has been established after careful consideration that the Council does not hold the above information in the format requested as this depends upon when STWA vest the Section 104 Sewers and is outside of our control. The completion of the Section 38 Agreement and all site works are completed to the current adoption standards.

Consequently, we are unable to give any averages and are informing you as required by Section 1(1) (a) of the Act, that states:

"Any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request".

- e. notification that any bond can be cancelled?

In respect of question 1e., it has been established after careful consideration that the Council does not hold the above information in the format requested as once the 12 months maintenance is complete and adoption has taken place a letter confirming the adoption is sent to the developer which also requests that they contact the bond/surety provider to cancel the bond.

Consequently, we are unable to give any averages and are informing you as required by Section 1(1) (a) of the Act, that states:

"Any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request".