

## **ROAD BONDS, AGREEMENTS & BOND REDUCTIONS**

Where a Private Streets Determination forms part of a planning permission, Article 24 of [The Private Streets \(NI\) Order 1980](#) (The Order) requires developers to make prior provision for street works expenses.

Before commencing any building works, developers should contact Department for Infrastructure (DfI) Roads to put in place the necessary Agreement and Bond under The Order. To do this, DfI Roads requires the developer’s written confirmation of the following:

- That the developer has an estate in the land to be developed; or a Builder’s Licence to develop the land.
- The developer’s registered name and address.
- The name and registered address of the financial institution that will act as surety. *(not required for Housing Association schemes)*
- A copy of the Notices of Building Control approval authorised by the relevant Council in respect of each dwelling type. *(required for Article 24 Agreements only)*
- W & SS(NI)O, 2006 Article 161 Agreement with NI Water or W & SS(NI)O, 1973 Article 17 Agreement with NI Water Ltd and approved drainage layout plan.
- A copy of the Street Lighting layout
- For each bonded length, six copies of location plans at 1:1250 or 1:2500 scale on a published Ordnance Survey map. The proposed bonded area will be shaded blue and any service strips shaded green and hatched.
- A copy of Department for Social Development’s approval. *(required for Housing Association schemes only)*

On receipt of the above information, DfI Roads will prepare the Agreement and issue the document to be signed by developer and surety. Developers should return the signed Agreement to the relevant DfI Roads Division promptly, together with the appropriate inspection fee and Land Registry fee.

When received in Division, the document is referred to DfI Roads HQ to be sealed. The Agreement is then registered in the Statutory Charges register. A copy of the final Agreement is issued to the developer on completion. This stage of the process can take up to three weeks.

When the roads and footways have been properly constructed and the adoption is complete, DfI Roads will write to the developer and surety to arrange cancellation of the bond. DfI Roads will also advise Land Registry to remove the Statutory Charge.

### **BOND REDUCTIONS**

A developer’s request for bond reductions shall be submitted to the relevant Divisional Private Streets Inspector.

DfI Roads will consider applications for road bond reductions at four key stages during construction:

## Development Control – Developers’ Information

### Requirements for 50% Bond Reduction:

- NI Water Ltd Preliminary Certificate for storm and foul sewers (*see note 1 below*)
- Confirmation from NIWL that an Article 161 is in place (*see note 1 below*) or where a private foul sewer is to be installed (*see note 2 below*) with a separate road drainage system, a copy of the Discharge Consent from Rivers Agency or other approval authority for that system with the construction details.
- Carriageway constructed to roadbase level
- Kerbing satisfactorily completed
- Footways suitable for safe pedestrian movement
- Technical Approvals in principle granted (if appropriate)
- Geotechnical Approvals in principle granted (if appropriate)
- Approved Street Lighting design.

### Requirements for 70% Bond Reduction

- *All of the above requirements plus the following:*
- Flush test road drainage system (*see note 2 below*)
- Carriageways and footways constructed to binder/base course level
- Street Lighting installed and operational
- Copy of “Acceptance of Transfer of Street Light Energy and Maintenance Certificate”

### Requirements for 90% Bond Reduction (Preliminary Certificate)

- *All of the above requirements plus the following:*
- NI Water Ltd Preliminary Certificate for storm and foul sewers (*see note 1 below*)
- Street has been provided in accordance with the Determination
- All works reasonably necessary to conform with Construction Regulations are complete
- Technical Approvals granted (if appropriate)
- Geotechnical Approvals granted (if appropriate)

### Requirements for 100% Bond Reduction (Completion Certificate & Adoption)

- *All of the above requirements plus the following:*
- Street has been properly maintained for one year after issue of Preliminary Certificate
- Any defects have been made good
- NI Water Ltd Final Certificate for storm and foul sewers (*see note 1 below*)
- As Constructed drawings have been submitted
- Relevant section of site Health and Safety File has been submitted

Notwithstanding the above, the underlying principle is that sufficient bond must at all times be available to cover the cost of any outstanding works.

## Development Control – Developers' Information

**Note1:** *Where a Water Service preliminary and final certificate are indicated, these apply to sites where the developer has a Water Service Article 17, pre 1st April 2007, not to sites where the developer has a NIWL Article 161.*

**Note2:** *Where no Article 161 Agreement is in place, and a separate road drainage system is proposed the construction details and copy of the Discharge Consent from Rivers Agency or other approval authority is to be provided.*

Development Control – Developers’ Information

<b>DFI ROADS – PRIVATE STREETS BOND and AGREEMENT OFFICERS (June 2019)</b>				
<b>Dfl Roads Division</b>	<b>Dfl Roads Contact</b>	<b>Council Areas</b>	<b>Telephone</b>	<b>E-Mail</b>
<b>Northern</b>	Anne McGuigan Dfl Roads, Room 401 County Hall Coleraine BT51 3HS	Causeway Coast & Glens Borough Council	028 7032 5701	<a href="mailto:Anne.mcguigan@infrastructure-ni.gov.uk">Anne.mcguigan@infrastructure-ni.gov.uk</a>
	Thelma Millar Dfl Roads, County Hall, 182 Galgorm Road Ballymena BT42 1QF	Antrim & Newtownabbey Borough Council  Mid & East Antrim Borough Council	028 2566 2490	<a href="mailto:thelma.millar@infrastructure-ni.gov.uk">thelma.millar@infrastructure-ni.gov.uk</a>
<b>Southern</b>	Catherine Gorman Dfl Roads, Rathkeltair House, Market Street, Downpatrick, BT30 6AJ	Ards & North Down Borough Council  Newry, Mourne & Down District Council	028 4461 8127	<a href="mailto:Catherine.Gorman@infrastructure-ni.gov.uk">Catherine.Gorman@infrastructure-ni.gov.uk</a>
	Deirdre Corrigan Dfl Roads, Marlborough House, Central Way, Craigavon, BT64 1AD	Armagh City, Banbridge & Craigavon Borough Council	028 3832 0158	<a href="mailto:Deidre.Corrigan@infrastructure-ni.gov.uk">Deidre.Corrigan@infrastructure-ni.gov.uk</a>
<b>Eastern</b>	Theresa Medicott Dfl Roads Network Planning Section Annex 6, Castle Buildings Stormont Estate Upper Newtownards Road Belfast, BT4 3SQ	Belfast City Council  Lisburn & Castlereagh City Council	028 9262 6664	<a href="mailto:Theresa.Medicott@infrastructure-ni.gov.uk">Theresa.Medicott@infrastructure-ni.gov.uk</a>
<b>Western</b>	Jenny McCullagh Dfl Roads, County Hall, Drumragh Avenue, Omagh, BT79 7AF	Fermanagh & Omagh District Council  Mid-Ulster District Council  Derry City & Strabane District Council	028 8225 4120	<a href="mailto:Jenny.Mccullagh@infrastructure-ni.gov.uk">Jenny.Mccullagh@infrastructure-ni.gov.uk</a>