

## 3. PROCESS GUIDANCE

### 3.5 Section 38 Applications

The developer will normally make a Planning Application to the Council submitting full plans of the development and general plans for the infrastructure. The Highways and Transportation service will be consulted and make recommendations for conditions or indeed refusal as it sees fit. It is recommended that applicants seek informal advice about their proposals prior to making a formal submission.

Once the developer has received Planning Permission, the following details should be submitted to commence the adoption procedure;

- 2 copies of a 1:2500 scale A4 location plan showing the site boundary edged red;
- Copies of a 1:500 scale layout plan including drainage;
- 2 copies of a longitudinal section showing the following;
  - ◆ Chainage
  - ◆ Existing centreline levels
  - ◆ Proposed centreline levels
  - ◆ Storm water drainage
  - ◆ Proposed gradients/vertical curves
- Drainage calculations;
- Relevant standard details and construction tables; and
- Full details of any proposed structures, including completed Approval In Principle and Design Certificate forms (see Appendix C), together with an estimate of the total cost of the structure.

The council is required to apply the Advance Payments Code for all new developments with new roads serving 6 or more dwellings. Please refer to Section 3.4 for more information.

The developer should contact the Local Water Company for the adoption of new Storm and Foul sewers within the adoptable highway. Private sewers within the adoptable highway are not accepted.

The Council may require Road Safety, Vulnerable Road User and/or Maintenance Audits. See Section 3.7 for more details.

The Council will charge a supervision fee, based upon a percentage of the council's estimate of the total cost of the works, and this fee will cover the following;

- Design check and approval;
- Street lighting design;
- Administration;
- Site supervision; and
- Roadwork's and street lighting inspections.

A separate legal fee will be payable.

Prior to formal adoption, the developer will be required to submit a copy of the completed Health and Safety File in accordance with CDM (1994) Regulations.

**UDP Reference**  
**DR5 Planning Obligations**

### 3.6 Section 278 Applications

Physical improvements to the existing public highway must be subject to an appropriate form of agreement to ensure that the works can be executed at the time required by the relevant planning condition or obligation and that the necessary funding is provided by the developer. The arrangements would normally be as follows:

Improvements that will have a significant effect on the day-to-day operation of the public highway during or subsequent to the construction of the works will normally be subject to an Agreement made under Section 278 of the Highways Act 1980. Examples of this might be construction of a roundabout or the installation of traffic signal control at a junction.

Where an agreement under Section 38 of the Highways Act 1980 for the adoption of roads is being formulated, then clauses will be included to cover the construction of the bellmouth access or accesses within the public highway. If other related works are required within the existing public highway than a separate Section 278 Highway Works Agreement will be required, although this may be waived if any additional works are very minor - e.g. the erection of a small direction sign at the junction.

A Section 278 Highway Works Agreement will normally be required in advance of a development commencing. Developers should ensure, therefore, that they allow sufficient time for an Agreement to be completed bearing in mind procedures can often be protracted. Further advice is obtainable from the Highway Authority about the procedures for applying for and completing Section 278, Highway Works.

When a feasibility design for a road improvement has been approved in connection with an outline planning consent and subsequent alterations to the relevant design parameters are introduced prior to the submission of a full planning application or application for the approval of reserved matters, then the Highway Authority will reserve the right to review the approved design, in consultation with the relevant Local Planning Authority, with view to ensuring, so far as practicable, compatibility with the changed parameters is achieved prior to the completion of a Section 278 Highway Works Agreement.

Fees will be payable by the developer as appropriate and, depending on the form of agreement, may include the costs of administrating the agreement, legal charges, scheme design, technical approval, site inspection, safety, cycle and mobility audit, tendering and tender analyses, certification of works etc and commuted sum payments for additional future maintenance costs.

**UDP Reference**  
DR5 Planning Obligations