

Herefordshire Council

Section 38 Process Guidance Note

HC Highways = Herefordshire Councils Highways Dept.

BBLP = Balfour Beatty Living Places

HC Legal = Herefordshire Council Legal

Pre Planning Stage

1. Herefordshire Council offers a formal Pre-App advice service, which developers are encouraged to take advantage of - https://www.herefordshire.gov.uk/info/200142/planning_services/66/planning_services/3
2. Herefordshire Council's Highways Design Guide and Specification for New Developments should form the basis of any submission - https://www.herefordshire.gov.uk/downloads/download/585/highways_and_new_development
3. Planning meetings/discussions with developers, agents, planners etc to discuss overview of works required.

Post Planning Stage

4. Once planning permission is granted, developer to submit a full set of engineering drawings in both PDF and CAD format, for Technical Approval.

Drawings to include:-

- a. A4 Location plan at 1:2500 with site edged red
- b. Layout plans at 1:500 showing all drainage
- c. Longitudinal Sections showing vertical design elements, existing levels, drainage details
- d. Cross sections where relevant
- e. Details of any structures (bridges, culverts or retaining walls) relevant to the scheme.

These should preferably be submitted by email to the Senior Engineer (Adoptions & Searches) andyb@herefordshire.gov.uk

5. Comments on the submission will be made by HC Highways, by email.
6. **Street Lighting** - once interim approval is granted, the street lighting design can be progressed. See **Appendix A** for details.
7. **TRO** – If any Traffic Regulation Orders are required associated with the development, please refer to **Appendix B**.
8. **Structures** – If any structures are involved please refer to **Appendix C**.
9. Any “non-standard” features offered for adoption will be subject to a commuted sum calculated using the ADEPT guidance “Commutated Sums for Maintaining Infrastructure Assets” (60 year design life used). Eg – Simple Signalised Pedestrian Crossing approx. £40,000; Medium sized

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Balancing Pond approx. £100,000 (These figures are for guidance only.)

10. Once all comments are satisfied and the lighting design is produced, full technical approval can be granted.
11. Developer to electronic copies of the approved plans, and supply hard copies if requested by HC Highways, including a S38 plan coloured as follows:-
 - a. Carriageways – brown
 - b. Footways/cycleways – yellow
 - c. Verge – green
 - d. Street lights – red
 - e. Highway drains and gullies – blue
 - f. Easements – hatched orange

Details of the developer and their solicitors to be provided (including email addresses).

12. HC Highways to calculate bond sum based on full value of works as calculated by BBLP. No reduction of this value will be authorised, regardless of progress of works on site.
13. HC Highways to invoice developer for supervision fee (7.5% of bond)

Legal Stage

14. HC Highways to instruct HC Legal to draft S38 Agreement. Legal fees, supervision fees, any outstanding design check fees and commuted sums will all be collected under the terms of the S38.

Construction

15. Once the Agreement is signed, and during the construction, works are to be supervised by BBLP & HC Highways. To enable adequate supervision to be programmed, the developer is to submit a construction phase plan to HC Highways prior to commencement of construction with appropriate notice.

Part 1 Certificate

16. When Developer informs HC Highways that works are complete to a Part 1 standard, HC Highways & BBLP to attend a joint inspection. If satisfactory a Part 1 Certificate will be issued, and the bond reduced to 66% of the original value.

Post Construction – Issue of Part 2 Certificate

17. When Developer informs HC Highways that all works are complete HC Highways & BBLP (plus Street Lighting and Structures if relevant) to inspect.
18. HC Highways supplies Developer with full definitive list of remedial works required prior to issue of Part 2 Certificate to commence 12 month maintenance period.

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19. Once all works to HC Highways & BBLP satisfaction, Part 2 Issued and 12 month maintenance period commences – bond reduced to 33% of original value.

Post Construction – Issue of Final Certificate

20. When 12 month maintenance period expires HC Highways & BBLP to attend a joint full roadworks inspection (plus Street Lighting and Structures if relevant) to inspect.
21. HC Highways supplies Developer with full definitive list of remedial works required prior to issue of Final Certificate prior to adoption.
22. Once all works to HC Highways satisfaction, Final Certificate issued, works adopted as publicly maintainable, and bond sum released.
23. HC Highways to hand over all CDM/As built information to BBLP Asset Management Team.

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Appendix A – Street Lighting Design

1. Urban Areas – In accordance with HC Highways Policy, if the development falls within the boundary of one of the market towns or Hereford City, any new highways will be required to be street lit to current standards, and a lighting design will need to be commissioned with BBLP.
2. Rural Areas – In accordance with HC Highways Policy, if the development falls within the boundary of a rural Parish Council, the Parish Council will be consulted by HC Highways over the issue of street lighting. If the Parish wish to see the new highways lit, then a lighting design will need to be commissioned with BBLP.
3. A CAD drawing of the layout to be emailed to HC Highways.
4. HC Highways to send on approved drawings to BBLP with a quote request.
5. BBLP to produce quote for design.
6. HC Highways to invoice developer for quoted amount.
7. Once invoice paid, HC Highways to commission design with BBLP.
8. HC to pass design on to developer once received, for incorporation into drawings.

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Appendix B – Traffic Regulation Orders

1. As soon as it becomes clear that a Traffic Regulation Order is going to be required to support a new development, discussions to be held with BBLPs traffic team.
2. The TRO process map is available on the highways & development web page <https://www.herefordshire.gov.uk/info/200196/roads/707/highways>
3. Developer to supply HC Highways with a plan to be used to form the basis of the TRO consultation.
4. HC Highways to forward plan and any other relevant details to BBLP with a quote request.
5. BBLP to produce quote for TRO.
6. HC Highways to invoice developer for quoted amount.
7. Once paid, HC Highways to commission TRO with BBLP.

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Appendix C – Structures

1. The attached “Technical Approval of Highway Structures” should be used to determine level of detail to be provided and the costs associated – developer to send details to HC Highways
2. The above document is published on the highways & development web page <https://www.herefordshire.gov.uk/info/200196/roads/707/highways>
3. HC Highways to invoice developer for costs.
4. HC Highways to invoice developer for quoted amount.
5. HC Highways to forward details to BBLP and commission audit.