

Herefordshire Council

Section 278 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, including Transport Assessment and Stage 1 Road Safety Audit for any S278 elements. **HC Highways will need to approve a brief for the Stage 1 RSA.**
4. If any initial pre-app technical audits are required, these will be commissioned through BBLP at the developers expense.

Post Planning Initial Stage

5. A £10,000 upfront payment to be made by each applicant to HC. HC to commission BBLP directly for:
 - a) Design Check, and if appropriate;
 - b) Street Lighting DesignAny balance from fund to be returned at a future date. Additional fees for further checks to be recovered upon signing the S278 Agreement.
6. Road Safety Audits to be carried out in line with HC Highways Design Guide requirements. HC Highways to approve briefs for any RSA's prior to them being carried out.
7. Design check management fee (10% of design check) is payable.
8. Developer to be advised of Traffic Management Act road space booking advance notice requirement of up to 3 months. They need to contact BBLP to start process - hereford.streetworks@bblivingplaces.com
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). E.g. – Simple Signalised Pedestrian Crossing approx. £40,000; Medium sized Balancing Pond approx. £100,000 (These figures are for guidance only.)
10. HC Highways to notify West Mercia Police representative.

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11. Initially, HC Highways to provide BBLP with a copy of the relevant scheme drawings, indicating the general scope of the works, and request a Project Brief/Task Proposal (under defined processes) to include agreed timescales and also identify risks/constraints associated with planning permission.
12. BBLP to produce quote for Technical Audit and Street Lighting Design.
13. HC Highways to raise an Order and issue to BBLP together with a signed Project Brief and a set of planning drawings for early discussions.
14. **TRO** – If any Traffic Regulation Orders are required associated with the development, please refer to **Appendix A**.
15. **Structures** – If any structures are involved please refer to **Appendix B**.
16. HC Highways to organise a meeting with BBLP. Developer to be informed of our initial requirements.

Technical Approval Stage

17. Developer to submit a full set of s278 drawings to HC Highways, in both PDF and CAD format, for approval subject to results of initial meeting.
18. HC Highways to forward full set of drawings to BBLP to commence Technical Audit and Street Lighting Design.
19. BBLP to feed all comments to HC Highways who will co-ordinate response to Developer.
20. Street Lighting design refined accordingly and issued to HC Highways.
21. Once drawings satisfactory, BBLP to recommend Technical Approval to HC Highways who will issue formal Technical Approval to developer.
22. HC Highways to calculate Commuted Sums using ADEPT guidance “Commuted Sums for Maintaining Infrastructure Assets” (60 year design life used) & Bond Sum using BBLP rates.

Legal Stage

23. HC Highways to issue instructions to HC Legal to complete a Section 278 Agreement with the Developer.
24. All fees, including any outstanding design check fees, to be paid by Developer prior to signing the S278 Agreement.

Construction

25. **No works can take place in the public highway until a Section 278 Agreement is signed.** Once the Agreement is signed, and during the construction, works to be supervised by BBLP & HC Highways. Appropriate notice is to be given to enable adequate supervision to be

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programmed.

Provisional Certificate

26. Upon completion of works, developer to organise a Stage 3 Road Safety Audit.
27. Once Stage 3 RSA is issued, HC Highways & BBLP to attend a joint full roadworks inspection. Street lighting/Structures inspection also required from BBLP if applicable.
28. HC Highways to supply developer with full definitive list of remedial works required prior to issue of Provisional Certificate to commence 12 month maintenance period.

Post Construction – Issue of Final Certificate

29. Once 12 month maintenance period expires, developer to organise a Stage 4 Road Safety Audit (if required by HC Highways)
30. Once Stage 4 RSA is issued, HC Highways & BBLP to attend a joint full roadworks inspection. Street lighting/Structures inspection also required from BBLP if applicable.
31. HC Highways to supply developer with full definitive list of remedial works required prior to issue of Final Certificate.
32. Once all works to HC Highways satisfaction, Final Certificate issued, works adopted as publicly maintainable, and bond sum released.
33. HC Highways to hand over all CDM/As built information to BBLP Asset Management Team.

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Appendix A – 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 B – Structures

1. The published document “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.