

**Section 38/Section 278 Highways Act 1980
Application to enter into Agreement**



**WOKINGHAM
BOROUGH COUNCIL**

Please complete this form and return it either by post to Highway Agreements, PO Box 153, WBC Civic Offices, Shute End, Wokingham, RG40 1BN or by email to HighwayAgreements@wokingham.gov.uk

We will not be able to progress your application if there is any missing information or documentation.

For more information, please see WBC's [Highway Design Guide](#) (*Living Streets: A Highways Guide for Developers in Wokingham*, 2019). Should you have any queries, please contact the email address above.

PLEASE NOTE OUR UPDATED FEES AND CHARGES EFFECTIVE FROM 01/12/2019:

Agreement Fees	
Combined S38/S278 works agreement	10% of works value & a deposit of 2% or £20k whichever is the greater will be required on commissioning of WBC's services
S38 adoption of highways	10% of works value & a deposit of 2% or £20k whichever is the greater will be required on commissioning of WBC's services
S278 works to existing highways	10% of works value & a deposit of 2% or £20k whichever is the greater will be required on commissioning of WBC's services
S38 adoption of highways where S38 agreement is completed prior to commencement of works onsite	8% of works value & a deposit of 2% or £20k whichever is the greater will be required on commissioning of WBC's services
Conditional Fees	
Fee for works starting on development site in advance of a S38 agreement being completed	£10,000.00
Fee per additional S38/S278 technical review of drawings following review of developer's initial two S38/S278 technical submissions	£200.00
Fee per site visit should WBC engineers visit the site to carry out inspections and are not able to do so through no fault of their own	£100.00
Fee to cover ongoing inspection and administration where works associated with a S38 agreement have not been completed within 2 years from the works start date	4.25% of works value
Other Fees	
Advance Payment Code Bond (S38 works only)	Bond to the value of works (as calculated by WBC). Notice will be served following building regulations approval. The bond is due before works to the buildings commence. The relevant legislation is set out in Sections 219 – 225 of the Highways Act 1980. Please see Appendix F of the Highway Design Guide for more information.
Commutated Sum Payment (toward ongoing maintenance by WBC of development highway features and structures)	To be discussed once plans have been reviewed. Please see Section 4.8 of the Highway Design Guide for more information.

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I/We hereby apply to Wokingham Borough Council to enter into an agreement under Section 38/278 of the Highways Act 1980 in respect of the development specified in this application and the attached plans submitted for technical approval.

Signed..... Date

On behalf of [redacted] (if acting as agent)

Part 1 – General Particulars

1a. Applicant (Developer)

Name: [redacted]
Address: [redacted]
Post Code: [redacted]
Telephone Number: [redacted]
Fax Number [redacted]
Email [redacted]
Representative [redacted]

1b. Agent (Consultant)

Name: [redacted]
Address: [redacted]
Post Code: [redacted]
Telephone Number: [redacted]
Fax Number: [redacted]
Email: [redacted]
Representative: [redacted]

1c. The works **must have planning approval before progressing with a S38/S278 agreement.**

Planning Permission reference [redacted]
Date approved [redacted]

1d. Are copies of the following attached?

- **The signed planning decision notice**
- **The approved stamped planning layout**
- **The site location outlined in red**

Please tick Yes No
Please tick Yes No
Please tick Yes No

Electronic copies acceptable

1e. Has a Section 106 agreement been entered into in respect of this development?

Please tick Yes No
If Yes, please enter the date and reference of the Section 106 agreement

Date [redacted] Ref: [redacted]

1f. Please state the purpose of the development and the number of units and parking spaces to be constructed.

Purpose [redacted]
No. of Units [redacted]
No. of Parking Spaces [redacted]

Part 2 – Site Details

2a Development Name

[redacted]

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2b Development Address	[Redacted]
2c Names of any existing public roads that development will connect to	[Redacted]
2d Will any works be undertaken on or immediately adjacent to the existing public highway?	<p>Please tick Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If Yes, please give details [Redacted]</p> <p><i>Please note that road space must be booked 3 months in advance of any proposed works on public highway.</i></p>
2e Are any Public Rights of Way affected by the works?	<p>Please tick Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If Yes, please give details [Redacted]</p>
<p>2f Are you able to confirm that any land upon which the highway works are to be carried out:-</p> <p>Is existing highway?</p> <p>Is within the control of the Developer?</p>	<p>Please tick Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If No, please give details: [Redacted]</p> <p> Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If No, please add details: [Redacted]</p>
2g Where will new highway drainage or amended existing highway drainage outfall?	<p>Soakaways Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p> If Yes, Number [Redacted]</p> <p>Connection to existing highway drain Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Outfall to watercourse Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Pumped System Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Connection to Water Authority Sewer Yes <input type="checkbox"/> No <input type="checkbox"/></p>
2h Have all affected utility undertakers agreed to the works?	<p>Please tick Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><i>Evidence is required confirming all utility undertakers with affected apparatus have been contacted and agreed to any diversion, protection, connections, re-enforcements and/or adoption. Copies of agreements, correspondence and certificates are required.</i></p>

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Part 3 - Details of the Highway Works

3a General description of the highway works	█
3b Length of new highway	█ metres
3c Are new traffic signals / traffic signal amendments required?	Please tick Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please give details █
3d Are any highway structures to be constructed?	Please tick Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please give details █
3e Will an AIP be required?	Proposed basements/cellars, retaining walls, foundations, amendments to existing structures and/or structures which are in close proximity, undermine, support, form part of or affect the public highway will require an Approval in Principle (AIP). A detailed design and method statement should be submitted for approval. Please tick Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please give details █
3f Are any street lighting works involved?	Please tick Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please give details █
3g Are there any soil contamination issues / remediation requirements on the site?	Please tick Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please give details █
3h Are any traffic orders required?	Permanent Yes <input type="checkbox"/> No <input type="checkbox"/> Temporary Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please give details █
3i Have Stage 1 & 2 Road Safety Audits been undertaken?	Stage 1 Yes <input type="checkbox"/> No <input type="checkbox"/> Stage 2 Yes <input type="checkbox"/> No <input type="checkbox"/> <i>Please attach copies of the audits and designer responses</i>
3j Has a pre-construction site condition survey been undertaken?	Please tick Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If Yes, please attach a copy</i>
3k Please state the estimated cost of the proposed highway works	£ █

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Part 4 – Legal and Programming issues

<p>4a Applicant's Solicitor's details</p>	<p>Name [redacted] Address [redacted] Post Code [redacted] Telephone Number [redacted] Fax Number [redacted] Representative [redacted]</p>
<p>4b Site owner's details (if different to applicants)</p>	<p>Name [redacted] Address [redacted] Post Code [redacted] Telephone Number [redacted] Fax Number [redacted] Representative [redacted]</p>
<p>4c Details of any other persons known to have an interest in the land on which the development is to take place.</p>	<p>[redacted]</p>
<p>4d Duration of highway works</p>	<p>Start Date [redacted] Finish Date [redacted]</p>
<p>4e Planned first occupation date of the site</p>	<p>[redacted]</p>
<p>4f Details of proposed Contractor (if known)</p>	<p>Name [redacted] Address [redacted] Post Code [redacted] Telephone Number [redacted] Fax Number [redacted] Representative [redacted]</p>
<p>4g Details of any other Parties involved (e.g. Project Manger)</p>	<p>Name [redacted] Address [redacted] Post Code [redacted] Telephone Number [redacted] Fax Number [redacted] Representative [redacted]</p>

Part 5 – Initial Fees

<p>5a Initial Deposit</p> <p>Sum:</p>	<p>A non-returnable deposit of the greater of £20,000 or 2% of the cost of works (whichever is the greater) is required on commissioning WBC's services.</p> <p>£20,000 <input type="checkbox"/></p>
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<p>Payment Method:</p>	<p>Other Amount: <input type="checkbox"/> <input type="checkbox"/></p> <p>Cheque: <input type="checkbox"/> (to Wokingham Borough Council) BACS: <input type="checkbox"/></p> <p>National Westminster Bank Wokingham Account No.: 68437730 Sort Code: 60-24-21 Please quote cost code MIC016</p> <p><i>To request an official invoice, please email HighwayAgreements@wokingham.gov.uk</i></p>
<p>5b APC Bond (Section 38 only)</p>	<p>Under Sections 219 - 225 of the Highways Act 1980, an Advance Payments Code (APC) bond should be secured prior to the commencement of building works. The bond will be released upon completion of the S38 agreement. For more information, please see Appendix F of the Highways Design Guide.</p> <p>Has an APC bond been secured? Yes <input type="checkbox"/> No <input type="checkbox"/></p>

Part 6 – Drawings for Technical Review

Technical approval must be given from our S38/S278 engineers before an agreement can be progressed. The level of detail required for technical approval will depend on the scope and complexity of the scheme. The required drawings will normally consist of (but are not limited to) the list below. Please ensure a full set of drawings is provided, including a colour copy of each layout drawing. Electronic copies **must** be submitted, preferably by email. Please list the drawing numbers and names in Part 7 of this document.

Please note:

- All plans should be 1:200 scale unless otherwise indicated below
- Layout drawings should clearly show the limit of the works with a thick black line and be annotated "Limit of Works"
- All levels shall relate to Ordnance Datum [Newlyn] and position and value of the Ordnance Bench Mark shall be shown on the 1:2500 Location Plan
- Street light proposals should reflect WBC's *Street Lighting Design, Adoption Process and Specification Guide* including appendices and addendums
- The colours to be used are as follows:
 - **Brown** to show the **carriageway**
 - **Grey** to indicate **footways**
 - **Yellow** to indicate **cycleways**
 - **Green** to indicate **verges**

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- **Dark Green** to indicated adoptable planting
- **Orange** to indicate **gullies, gully connections and drainage** (including drainage ditches)
- **Full yellow circles** to indicate **street light** positions
- A **green boundary line** to indicate the land in the developer's **ownership**
- **Red edging** to show the **highway boundary** - annotated "Highway boundary" in words
- **Purple** to indicate **easements** (including highway drainage across private land)
- **Edged purple** to show **temporary construction access**, clearly marked "Temporary construction access"
- **Pink** to indicate land for dedication as public highway

6a General Section S38/S278 Drawings	Consented planning site layout plans (including visibility splays and vehicle swept paths)	<input type="checkbox"/>
	Highway adoption plans (including service margin corridors)	<input type="checkbox"/>
	Site location plan (site shown within red line) at 1:2500 scale incorporating all elements of the S38/S278 works within it and identifying the highway boundary	<input type="checkbox"/>
	General arrangement plan showing details of surface materials, kerb, edging and channels, general soft and hard landscaping	<input type="checkbox"/>
6b Layout Drawings	Engineering layout plan at 1:500 scale	<input type="checkbox"/>
	Site clearance plan	<input type="checkbox"/>
	Street lighting proposals layout at 1:500 scale (to include details of proposed or amendments to existing street lighting, including lighting calculations in a reality format of the proposed column locations). This will be reviewed by WBC's Street Lighting team.	<input type="checkbox"/>
	Drainage proposals layout plan at 1:500 scale to include both surface and foul water (existing, proposed and amendments to existing) pipe runs, manhole and gully positions, pipe gradients, pipe diameters, cross-sections of any proposed gullies and connections. Details of contours and isopachs may also be useful.	<input type="checkbox"/>
	Longitudinal sections of surface water drains to 1:500 horizontal and 1:10 vertical	<input type="checkbox"/>

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	Cross sections to a scale of 1:50 for drainage ditches and side slopes at 30m intervals	<input type="checkbox"/>
	Utilities layout plan at 1:500 scale. Utilities must be located in designated service corridors off carriageway.	<input type="checkbox"/>
	Details of statutory undertaker constrictions and alterations required	<input type="checkbox"/>
	Road construction details as per WBC standard details to 1:50 scale	<input type="checkbox"/>
	Proposed levels taken at back of footway at the public highway boundary line, top of kerb (TOK), bottom of kerb (BOK) and centre of carriageway in a chainage format of 5/10m (dependant on scale of development). Footway and carriageway gradients are to be shown and it would be useful to show positions of existing and proposed gullies, soakaways and SUDs locations to ensure correct surface water drainage	<input type="checkbox"/>
	Longitudinal sections of all roads at 1:500 horizontal and 1:10 vertical scales. Levels on gradients to be at 10m intervals and on short vertical curves at 5m intervals	<input type="checkbox"/>
	Cross sections will be required on sites with excessive changes in levels to scale 1:50	<input type="checkbox"/>
	Signage and lining plan with sign schedule	<input type="checkbox"/>
	TRO plan for proposed road marking/lining/restriction proposals/amendments	<input type="checkbox"/>
	Waste management plans	<input type="checkbox"/>
	Traffic management plans	<input type="checkbox"/>

Part 7 – Attachments

7 Please list all attached documents below:



Part 8 – Confirmation

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8 Please sign and date this section to confirm that to your knowledge the information given above is accurate.

Name

Signed.....Date