

**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](mailto: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 01/12/2020:**

<b>Agreement Fees</b>	
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 <b>prior</b> 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
<b>Conditional Fees</b>	
Fee for works starting on development site in advance of a S38 agreement being completed	£10,160.00
Fee per additional S38/S278 technical review of drawings following review of developer's initial two S38/S278 technical submissions	£203,20
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	£101.60
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
<b>Other Fees</b>	
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 <b>buildings</b> 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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**Part 3 - Details of the Highway Works**

<b>3a</b> General description of the highway works	[REDACTED]
<b>3b</b> Length of new highway	[REDACTED] metres
<b>3c</b> Are new traffic signals / traffic signal amendments required?	Please tick Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please give details [REDACTED]
<b>3d</b> Are any highway structures to be constructed?	Please tick Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please give details [REDACTED] Please refer to: (CG 302) As Built, operational and maintenance records for highway structures Design Guide.
<b>3e</b> 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 [REDACTED]
<b>3f</b> Are any street lighting works involved?	Please tick Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please give details [REDACTED]
<b>3g</b> 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 [REDACTED]
<b>3h</b> 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 [REDACTED]
<b>3i</b> 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>
<b>3j</b> 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>
<b>3k</b> Please state the estimated cost of the proposed highway works	£ [REDACTED]

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**Part 4 – Legal and Programming issues**

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

**Part 5 – Initial Fees**

<b>5a</b> Initial Deposit	<ul style="list-style-type: none"> <li>A non-returnable deposit of £1,500 for works up to £75,000 is required on commissioning WBC's services.</li> </ul>
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BOROUGH COUNCIL**

- 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**
  - **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

<b>6a</b> 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"/>
<b>6b</b> 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"/>

**Section 38/Section 278 Highways Act 1980  
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BOROUGH COUNCIL**

	<p>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.</p>	<input type="checkbox"/>
	<p>Longitudinal sections of surface water drains to 1:500 horizontal and 1:10 vertical</p>	<input type="checkbox"/>
	<p>Cross sections to a scale of 1:50 for drainage ditches and side slopes at 30m intervals</p>	<input type="checkbox"/>
	<p>Utilities layout plan at 1:500 scale. Utilities must be located in designated service corridors off carriageway.</p>	<input type="checkbox"/>
	<p>Details of statutory undertaker constrictions and alterations required</p>	<input type="checkbox"/>
	<p>Road construction details as per WBC standard details to 1:50 scale</p>	<input type="checkbox"/>
	<p>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</p>	<input type="checkbox"/>
	<p>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</p>	<input type="checkbox"/>
	<p>Cross sections will be required on sites with excessive changes in levels to scale 1:50</p>	<input type="checkbox"/>
	<p>Signage and lining plan with sign schedule</p>	<input type="checkbox"/>
	<p>TRO plan for proposed road marking/lining/restriction proposals/amendments</p>	<input type="checkbox"/>

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Application to enter into Agreement**



**WOKINGHAM  
BOROUGH COUNCIL**

	Waste management plans	<input type="checkbox"/>
	Traffic management plans	<input type="checkbox"/>

**Part 7 - Attachments**

**7 Please list all attached documents below:**

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**Part 8 – Confirmation**

<p><b>8</b> Please sign and date this section to confirm that to your knowledge the information given above is accurate.</p>	<p>Name █</p> <p>Signed.....Date █</p>
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**Appendix**

**Assets Adoption Quantities Sheet**

Please find below an Example of an Assets Adoption Quantities Sheet. The developer needs to provide a completed Asset List prior to adoption of the site.

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BOROUGH COUNCIL**

**Adoption Highway Assets**

**Developer:**

**Development Name:**

**Street Names on the Development:**

**Adoption File number:**

Developer "As Built" Drawing Number			xxxxx S38 Section Agreement Plan – As Built
<b>Street Addresses</b>			
<b>Asset</b>	<b>Quantity</b>	<b>Unit</b>	
<b>Street Furniture</b>			<b>Comment</b>
Street Name Plates	0.00	Nr	
Streetlights	0.00	Nr	
Lantern Type/Control			
Signage			
Lit/Unlit			
<b>Drainage</b>			
Gully(s)	0.00	Nr	
150mm dia lateral	0.00	M	
Kerb Gully		Nr	
SUDS - Private	0.00	Nr	Attenuation Tank etc
SUDS - Adoptable	0.00	Nr	
Highway Drains 150 mm dia.	N/A	M	All pipes being adopted by TW
Highway Drains 225 mm dia.	N/A	M	All pipes being adopted by TW
Highway Drains 300 mm dia.	N/A	M	All pipes being adopted by TW
I/C or Manhole n.e 1.0m deep	N/A	Nr	All MH`s being adopted by TW
Manhole 1.0m >1.5m deep	N/A	Nr	All MH`s being adopted by TW
Manhole 1.5m >2.0m deep	N/A	Nr	All MH`s being adopted by TW
Manhole 2.0m >2.5m deep	N/A	Nr	All MH`s being adopted by TW
Manhole 2.5m >3.0m deep	N/A	Nr	All MH`s being adopted by TW
<b>Carriageway</b>			
Centre Line Distance	0.00	M	
Carriageway Bituminous	0.00	Sq. m	
Carriageway Blockwork	0.00	Sq. m	
Carriageway Other/Specify	0.00	Sq. m	

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<b>Tables</b>			
Tables Number	0.00	Nr	
C/W Table Bituminous	0.00	Sq. m	
C/W Table Blocks	0.00	Sq. m	
C/W Table Granite Setts	0.00	Sq. m	
C/W Table Other/Specify	0.00	Sq. m	
<b>Footway</b>			
Footway Bituminous	0.00	Sq. m	
Footway Blocks/Paviours	0.00	Sq. m	
Footway Other	0.00	Sq. m	
Footway Tactile Crossing	0.00	Nr	
Footway Tactile	0.00	Sq. m	
Footway/Cycleway Bituminous	0.00	Sq. m	
Footway/Cycleway Blocks	0.00	Sq. m	
Footway/Cycleway Other/Specify	0.00	Sq. m	
<b>Service Margin/Verge</b>			
Verge Grass	0.00	Sq. m	
Service Margin Bituminous	0.00	Sq. m	
Service Margin Edgings	0.00	Sq. m	
Service Margin Nat/Wild	0.00	Sq. m	
<b>Bus Stops</b>	Nr		
Footway Bituminous	0.00	Sq. m	
Footway Blocks/Paviours	0.00	Sq. m	
Footway Other/Specify	0.00	Sq. m	
Shelter Type	0.00		
Kerb Type	0.00	Sq. m	
<b>Aids to Movement</b>			
Lines			
Signs	0.00		
	0.00		