



## **Guidance Note for the Adoption of New Streets (Section 38 Agreements)**

This document is guidance only, and should not be construed as legally binding on the Council. The guidance has been prepared without the benefit of legal advice, and may be updated and subject to change. You should obtain your own independent legal advice on the agreements referred to within this guidance at your cost.

July 2012



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## Definitions

**Adopted Highway** – Highway maintainable at public expense.

**Adopt (Adoption)** – The process by which future maintenance of a highway at the public expense is accepted by the Highway Authority.

**CDM Regulations** – Construction (Design and Management) Regulations 2007

**Consultant** – An organisation employed by the Developer to design the works.

**Contractor** – An organisation employed by the Developer to carry out construction works.

**Dedicate (Dedication)** – The freehold legal owner of a piece of land dedicates highway rights over it whilst retaining the legal ownership of the land.

**DMRB** – Design Manual for Roads and Bridges

**Developer** – An individual or organisation promoting a development.

**Developer-Led Infrastructure Officer** – Officers responsible for coordinating the agreement process including technical approval and site inspection of works pursuant to a Section 38 Agreement.

**Dorset County Council (DCC)** – DCC is the Highway Authority responsible for the construction, maintenance, operation, use and control of the highway maintainable at public expense.

**Easement** – The right (secured by a legal agreement) to use or cross someone else's land for a specified purpose, for example to carry out work on underground pipes.

**Frontager** – This refers to someone whose residence or business fronts onto a street.

**Highway** – A way over which all members of the public have the right to pass and repass, and that right is as of right (e.g. not by way of a licence).

**Highway Agreement** – A legal agreement between DCC and the Developer. DCC will enter the agreement where it is satisfied that the works to the existing highway will be of benefit to the public. The Developer and/or their Contractor will be responsible for executing the works on the existing highway in accordance with the terms of the agreement.

**Highway Community / Customer Liaison, Technical Officer** – DCC officers responsible for the maintenance, operation, use and control of the existing highway.

**Licence Agreement** – An agreement to facilitate Minor Work on the Adopted Highway.

**MfS** – The Manual for Streets

**Minor Work** – Minor work is limited to works of this description only: dropped kerbs for a single vehicular access; a simple bell-mouth junction serving a private development that requires no amendment to the street lighting, and no significant amendment to the highway drainage system or horizontal and vertical alignment of the existing highway.

**Private Street** – A street which is not maintained at the public expense by the Highway Authority. The responsibility for maintenance of a private street rests with the frontagers or street managers.

**Private Road** – A way over which the public has no rights except by invitation of the land owner.

**Section 38 Agreement** – A legal agreement made pursuant to Section 38 of the Highways Act 1980 that provides for dedication of a road or other way as a highway, and an agreement to adopt the highway at a specified point in time. This agreement is made between DCC and the freehold owner of the land who is willing and has the power to dedicate the road or other way as highway.

**Section 278 Agreement** – A legal agreement made pursuant to Section 278 of the Highways Act 1980 which enables DCC, where it is satisfied that it will be of benefit to the public, to execute works on the highway maintainable at public expense in accordance with the terms of the agreement entered into with the Developer.

**Specification** – The current version / revision of DCC's Specification for the Construction and Drainage of New Streets

**Street** – The whole or any part of the following irrespective of whether it is a thoroughfare:

- Any highway, road, lane, footway, alley or passage,
- Any square or court'
- Any land laid out as a way whether it is for the time being formed as a way or not.

A street may or may not be a highway.

**Surety** – A third party, approved by DCC, who is party to the Section 38 Agreement and guarantees to pay the sum specified in the said agreement for the purpose of completing the works in certain circumstances.

## Section 1: Introduction

### Scope and General Advice

1.1 This document provides guidance for the construction and adoption of new streets within development sites. It sets out Dorset County Council's (DCC's) requirements and procedures to adopt a street as highway maintainable at public expense, including:

- Obtaining technical approval – the submission of technical details, such as drawings, calculations and any required safety audits reports to enable approval of the proposed works for adoption;
- the Section 38 legal Agreement – which contains provision for land dedication, inspection of construction works, certification of construction stages and ultimately the adoption of the street(s);
- DCC's requirements during the development's construction phase and the Developer's responsibilities for maintaining the works prior to adoption; and
- fees and other payments relating to the construction and adoption of the street.

1.2 It is advisable to involve the DCC Transport Development Management team (TDM), the DCC Developer-Led Infrastructure Team (DLI) and the appropriate planning authority in consultations at an early stage of preparing your development proposals. This will provide an opportunity to identify any potential problems relating to adoption before any planning application is submitted.

1.3 On residential developments comprising 5 units or more the District Council as planning authority and DCC as Highway Authority will normally require layouts that are to an adoptable standard regardless of initial arrangements for maintenance after completion.

1.4 A road built by a developer without the benefit of a Section 38 Agreement, serving more than five dwellings will remain privately maintainable.

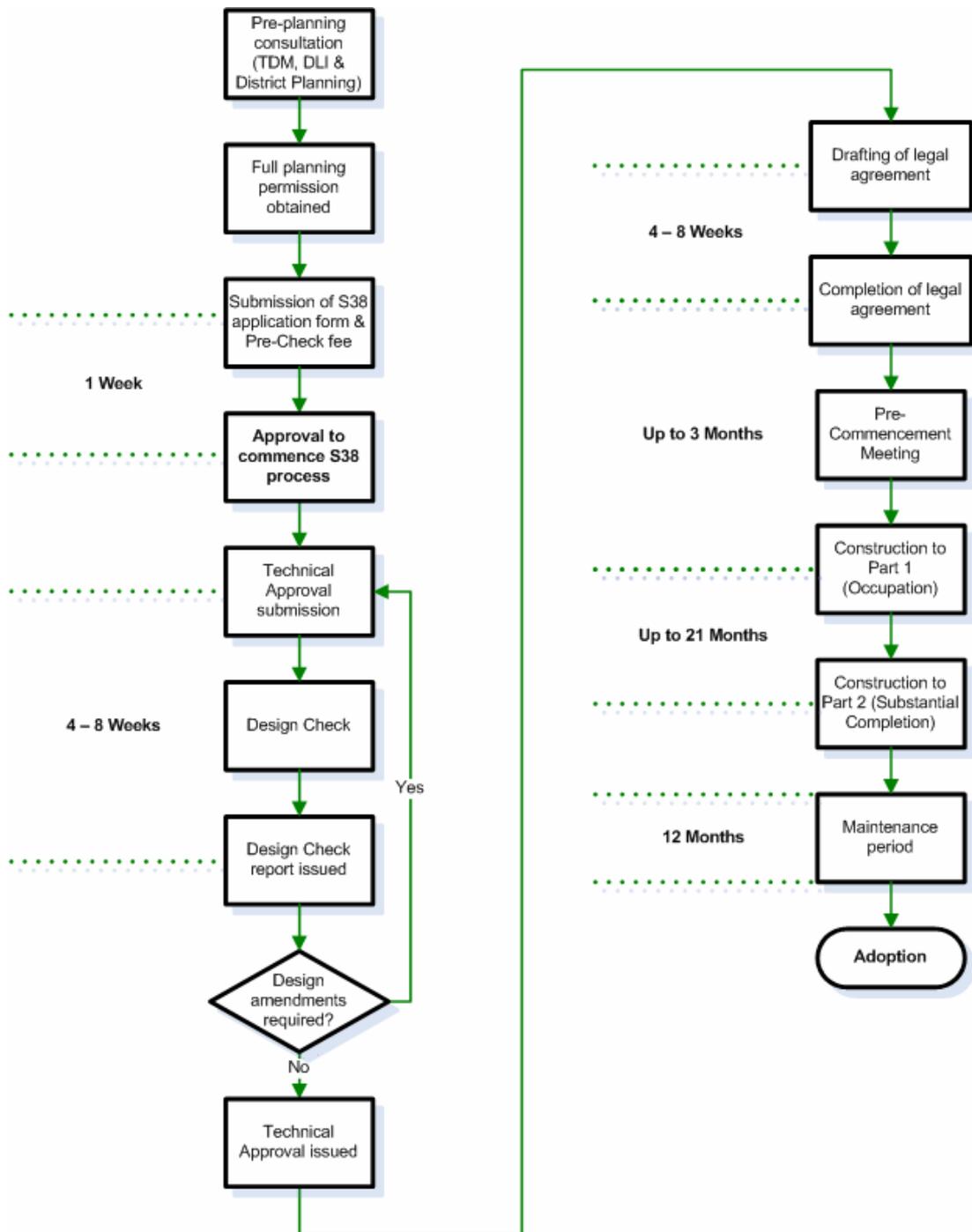
### Section 38 of the Highways Act 1980

1.5 Section 38 of the Act is used by DCC as Highway Authority to take over and maintain at public expense (adopt) new streets that have been constructed to agreed standards. The adoption process is covered by a Section 38 Agreement.

1.6 Section 38(6) of the Act states: "An Agreement under this section may contain such provisions as to the dedication as highway of any road or way to which the Agreement relates, the bearing of the expenses of the construction, maintenance or improvement of any highway, road, bridge or viaduct to which the Agreement relates and other related matters as the authority making the Agreement think fit."

**Indicative Process**

1.7 The process chart below indicates the key stages of the highway adoption process, with indicative time periods:



Note that all time frames are purely indicative, and will vary for each development.

## **Section 2: General Requirements for Entering into a Section 38 Agreement**

2.1 Before entering into a Section 38 Agreement the Developer:

- must obtain full planning permission for the development from the appropriate planning authority, including approval of any reserved matters relating to the works; and
- must be able to prove title to any and all land to be dedicated as highway, or the owner of the land must be willing to be a party to the Agreement for the purpose of dedication.

2.2 All necessary Easements and Deeds of Grant must be completed before entry into the Agreement. For example, a deed of grant must be entered into in respect of each section of highway drain and street lighting apparatus that is not positioned within the existing or proposed highway.

2.3 If private surface water run-off (e.g. roof or yard water) discharges into the highway surface water system, the status of the system is changed from that of a highway drain to a public surface water sewer. In this instance the relevant water company must approve the proposals and enter into a Section 104 Agreement (The Water Industry Act 1991) for the vestment of the sewer to the water authority. A 'letter of intent' from the water authority confirming that the drainage proposals are suitable for use as the subject of a Section 104 Agreement will be required prior to entry into a Section 38 Agreement.

2.4 To initiate formal consideration of a development for adoption by DCC a completed application form must be submitted to DCC's Developer-Led Infrastructure team accompanied by the appropriate pre-check fee (see Section 7: Fees). The application form is available on-line at <http://www.dorsetforyou.com/387376>. If the development is considered suitable for adoption a Developer-Led Infrastructure Officer will be assigned to the development to coordinate the agreement process, and inspect the construction works.

## Section 3: Obtaining Technical Approval

3.1 The technical approval process involves the Developer or the Developer's Agent submitting drawings, calculations and other relevant information to DCC for design checking and approval. Once approval has been obtained, the Developer-Led Infrastructure Officer will authorise entry into a Section 38 Agreement.

3.2 Two printed sets of all drawings and documents (colour where necessary), and a full electronic copy of all drawings and documents are required to enable the design check to be undertaken. If the submission does not include all the required detail, the design check will be delayed until all the information is available. A full listing of required information is contained in Appendix A.

3.3 Design checking is an iterative process and following each check DCC will issue a design check report illustrating areas of the design which require amendment. Good communication is key to ensuring a quick route to technical approval and Developers and their agents are encouraged to discuss the content of the design check report with the Developer-Led Infrastructure Officer.

3.4 Technical approval will only be issued when:

- all design checks have been completed;
- safety audit processes have been satisfactorily completed where required;
- any additional or amended details have been supplied.

3.5 Technical approvals and street lighting design certificates are valid for 24 months from the date of issue. If a Section 38 Agreement has not been entered in to during this time a new, full application will be required.

### Highway Design

3.6 The Developer should design streets in line with DCC Development Guidance, the Department for Transport's Manual for Streets and the Specification for the Construction and Drainage of New Streets.

3.7 The Developer may be required to submit Road Safety Audits where the layout contains unusual features. Where such a layout is proposed, a design statement must be provided for the Road Safety Auditor in support of the proposed layout. The statement must cover:

- design speed;
- justification of visibility splays;
- service corridors and future maintenance practicalities;
- access for service vehicles including tracking;
- on-street parking;
- pedestrian routes;
- junction treatments for pedestrian dominated areas ; and
- implications for people with disabilities.

3.8 Road Safety Audits, where appropriate, must be carried out by an accredited road safety audit team that is independent of the designers (see Appendix B).

## **Drainage**

3.9 Where a soakaway system is not being used the Developer will need to prove a right to discharge surface water from the street to an existing sewer (highway drain or public surface water), a proposed sewer or a water course. Proof will be required that the drainage proposals have been approved by the relevant authorities and, where appropriate, DCC's Highways Manager – Community / Customer Liaison.

3.10 Only drains laid for the sole purpose of discharging surface water run-off from the proposed highway will be the subject of a Section 38 Agreement.

## **Street Lighting**

### **Design**

3.11 Lighting designs may be provided by DCC (at no additional cost) or by an independent lighting designer - in either case a design certificate issued by DCC will be required.

3.12 Design certificates are valid for two years. If construction is likely to take longer than this, a phased project should be considered to prevent this time limit being exceeded

3.13 Equipment mounted upon buildings must include for written, legally binding permissions to attach and maintain such equipment to be contained with the land registry deed for each affected dwelling. These must be capable of being assigned to future owners.

3.14 The general and site specific lighting equipment specification, issued with each design, is inflexible - any departures must be agreed in writing by DCC.

3.15 Any decorative/heritage lantern proposals must be compliant with our environmental policy and must be included at the earliest stage of design.

3.16 DCC have a policy of part night lighting in residential areas where street lighting is switched off between midnight and 05.30am. Lighting designers must liaise with the Principal Engineer (Street Lighting) to ascertain which lighting units will be subject to this policy.

### **Installation**

3.17 No lighting installation should be constructed until a design certificate is issued by DCC.

3.18 Once equipment has been installed it is the Developer's responsibility to ensure the operation and maintenance of that equipment; to include regular cleaning, lamp change, inspections and test certificates in accordance with the design parameters, 'Well Lit Highways' Code of Practice and statutory law. This maintenance must continue until such time as the authority formally accepts the equipment and adds it to its inventory.

3.19 Lighting columns should be installed before dwellings are occupied, any disputes with occupiers will be referred to the developer for resolution. It is the Developer's responsibility to ensure all purchasers are aware of the likely positions, heights and style of the lighting equipment before any sale.

3.20 Unmetered energy arrangements with the local Distribution Network Operator (DNO) must be made and maintained by the developer until the authority formally accepts the equipment to its inventory.

3.21 Decorative styles of lighting equipment will usually require the use of traditional, cast iron, lighting columns - embellishment kits on standard steel columns are not accepted.

3.22 Once a request to accept the lighting equipment (and required information) has been received an on site assessment will be carried out. Any departures from the design, general or site specific equipment specification will be notified to the Developer. Ownership of, and responsibility for, the equipment remains with the Developer until all defects are corrected and formal acceptance has been issued. Repeated site inspections may result in a higher fee being charged.

3.23 Incomplete installations will not be accepted, unless originally designed as a phased installation - where only an entire and complete phase would be accepted.

### **Acceptance**

3.24 Requests to accept lighting must be accompanied by an accurate as-built drawing (matching the design certificate), a detailed inventory, valid electrical test certificates for all equipment and evidence (if applicable) of maintenance completed.

3.25 Street lighting will only be accepted for energy and maintenance if a Section 38 Agreement exists and a Part 2 certificate has been issued.

### **Structures**

#### **General**

3.26 Where a structure cannot be designed out and where that structure (e.g. a retaining wall, culvert or other building) either supports the highway or land adjacent to the highway, it is necessary for the developer to satisfy the Highway Authority of its structural integrity.

3.27 Any structure that supports the highway, whether it be a bridge, culvert or retaining wall is considered to be part of the highway. The future maintenance responsibility of the structure, however, only passes to the County Council, if the County agrees to adopt it.

3.28 Any structure supporting private land adjacent to the highway will remain a private structure.

3.29 All structures with highway implications must be safe, durable and designed for minimum maintenance.

3.30 At the outset, it is necessary to establish the following:

- whether Technical Approval is required for the structure, and
- whether the structure will be adopted by the County Highway Authority.

#### **Technical Approval**

3.31 Irrespective of whether adoption would take place, Technical Approval is required for the following types of structures:

- It has a span equal to or greater than 0.9 metres and is under or alongside the highway.

- It is a culvert or carrier drain with a span of 0.9 metres or more.
- It is a subway.
- It is a retaining wall adjacent to the highway where the difference in ground levels between the front and back of the wall is more than 0.6 metres.
- It is a retaining wall of any height supporting the highway.
- It is a reinforced / strengthened earth structure.

3.32 Early discussions should be held with the Group Engineer, Bridge Management (see Appendix E for contact details) to determine design standard requirements. The Group Manager will explain the technical approval and construction certification process.

3.33 Full design calculations (to Eurocodes EN1990 -1999) and drawings will need to be submitted to establish that the design has been carried out in accordance with the appropriate standards and practice. The drawings shall show the proposed line and level, proximity of existing and/or proposed highways, original and proposed ground levels and the specification of proposed materials. The details of the design calculations and the professional obligations and liability will remain the responsibility of the designer.

3.34 Full details of the Technical Approval Procedure are provided in the Department for Transport's Design Manual for Roads and bridges: Volume 1, Section 1, Part 1 BD2/05 'Technical Approval of Highway Structures

## Section 4: Completing the legal requirements

### The Section 38 Agreement

4.1 Following the issue of technical approval for the design DCC's Legal Department will be instructed to draft the S38 agreement.

4.2 In order to prepare the agreement DCC require:

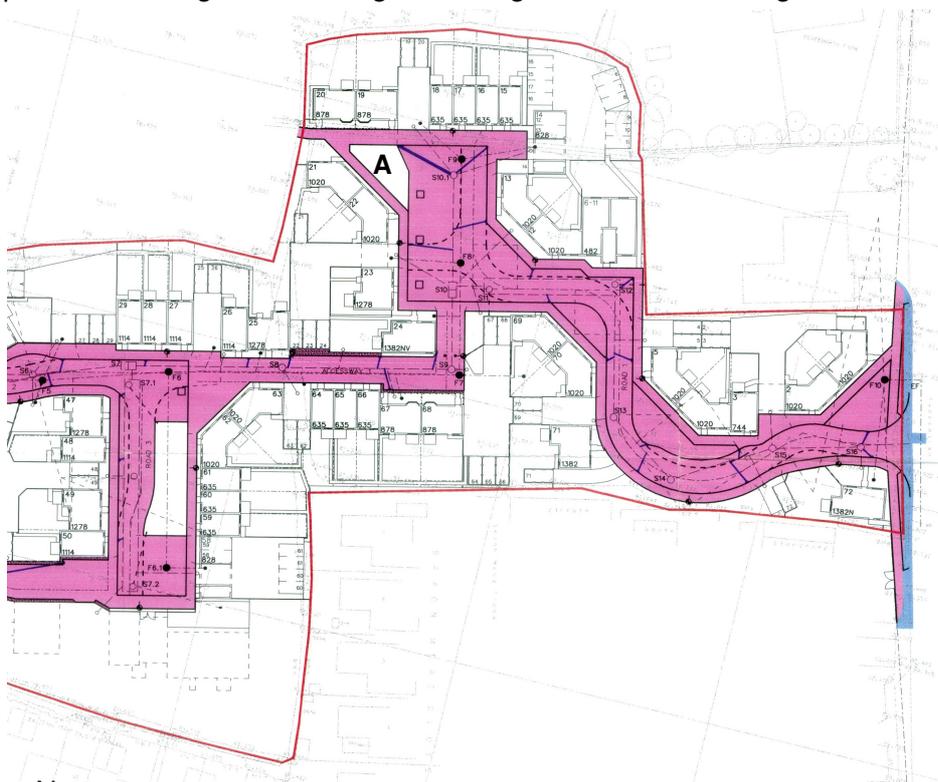
- 21 full size, coloured copies of the Section 38 Agreement plan at a scale of 1:500. This plan indicates the areas of proposed highway offered for adoption (coloured pink) and include any landscaping,
- 4 copies of the all other drawings granted Technical Approval.

All of the above drawings are required for completing the legal agreement, inspecting the works, providing a street-lighting scheme.

4.2 The colouring requirements of the Section 38 Agreement plan (in permanent ink) are:

- |   |               |
|---|---------------|
| • Outline of site ownership boundary              | Edged in red  |
| • Adoptable areas                                 | Shaded pink   |
| • Areas of work within the existing highway       | Shaded blue   |
| • Drainage to be adopted by the Highway Authority | Coloured blue |
| • Easements                                       | Shaded yellow |

All details upon the drawings must be legible through the colour shading.



### Notes

1. In this example, only the gullies and spurs to the main carrier drain are to be adopted by the Highway Authority. The main carrier drain is a public surface water sewer to be adopted by the appropriate water company.
2. The uncoloured area marked 'A' in this example may be offered for adoption to the local district or borough council as public open space.

4.3 The County Council's Legal Department will be responsible for the preparation of all documentation for the Section 38 Agreement. The Developer will provide the following details:

- the name and address and contact information of the landowner;
- the name and address and contact information of the developer;
- the name and address and contact information of the bondsman;
- the name and address and contact information of the developer's solicitor;
- proof of Title to the land;
- proof of an intention to enter into a Section 104 Agreement; and
- any completed deeds of grant, or easement ownership details.

4.4 Section 38 Agreements are generally in a standard format. However, at times it will be necessary to include various additional clauses for items such as licences for planting or private apparatus within the proposed highway limits.

4.5 The Developer is required to meet the County Council's legal costs in preparing the Agreement (see Section 7: Fees).

### **The Construction (Design and Management) Regulations**

4.6 Before the Developer-Led Infrastructure Officer can authorise entry into a Section 38 Agreement, the Developer must provide a copy of the scheme notification which has been supplied to the Health and Safety Executive. This notification must clearly identify the appointed Client for the works for the purposes of the 'Construction (Design and Management) Regulations 2007'. A copy of the completed form F10 may be sufficient.

The Client for the works will be responsible for meeting the Regulations and making sure that the works are designed and constructed in line with the Regulations. This is not the responsibility of Dorset County Council.

### **Surety**

4.7 DCC must be protected against the risk of unforeseen expenditure if the works are unfinished for any reason. Prior to entry into an agreement DCC will calculate the cost of the works, including administration costs incurred in securing completion of the works (i.e. the default cost). The Developer must provide surety equal to the default cost. This may be in the form of:

- a bond with an approved financial institution;
- the equivalent sum of monies lodged with DCC; or
- an underwriting by the National Housing Building Council.

## Section 5: Construction

### Pre-Commencement Meeting

5.1 A 'pre-commencement' meeting, chaired by the Highway Authority, will be required in order to establish various requirements, including:

- approving and issuing drawings;
- testing procedures;
- inspecting works;
- traffic control / management; and
- reserving road space

5.2 The meeting will be chaired by the appropriate DLI officer and should be attended by the Developer's representative, the Designer, the Contractor for the works, and a representative of the Highway Community / Customer Liaison team.

5.3 Appendix C contains a sample pre-commencement meeting agenda

### Commencing Construction Work Within the Developer's Own Site

5.4 A minimum of 5 working days' notice, in writing, is required prior to commencement of works within your site.

### Working in the Existing Highway

5.5 All contractors must be registered in the appropriate category for the work which they have been appointed to undertake with Constructionline, the UK Government's register of pre-qualified construction services.

5.6 Where DCC have no previous experience of an appointed contractor's work, satisfactory references and also examples of similar work successfully completed to the satisfaction of a Highway authority will be required. In the absence of satisfactory reference, or where DCC have previously experienced problems with a contractor (for example with quality of workmanship), the contractor will not be accepted.

5.7 The Contractor's insurance must indemnify DCC against any claims by third parties arising from the works. Before being approved the Contractor must provide written evidence of a minimum £5 million public liability insurance with no limit on the number of claims.

5.8 The works that occur within the existing highway (junction bell-mouth, drainage connections, footway crossing points etc.) must be registered as planned works in accordance with the New Roads and Street Works Act 1991 (NRSWA). Please note that a reasonable period of notice is required for Road Space Booking.

5.9 All contractors, and sub-contractors, who are working on the existing highway must be accredited accordingly.

### Health and safety

5.10 The Developer must comply with all aspects of the Construction (Design and Management) Regulations 2007 and indemnify the Highway Authority against all claims, liabilities and actions arising from any failure to do so.

### **Site inspection**

5.11 The Developer, or their appointed representative, is responsible for the day-to-day supervision of the construction works. DCC will only inspect the works to check that they are being constructed in accordance with the approved drawings and adoption requirements. The Developer-Led Infrastructure Officer must be given access to the works in progress at all times. If problems arise, the Highway Authority are prepared to discuss possible solutions, but it will remain the responsibility of the developer's representatives to instruct the contractor and make sure that the works are satisfactorily completed in accordance with the terms of the Agreement.

5.12 Inspecting construction of the works which are the subject of the Section 38 Agreement will normally be carried out by a Developer-Led Infrastructure Officer. Part 1 and 2 certificates will be issued when highway construction works reach prescribed levels of construction.

5.13 In order to ensure compliance with the Specification the Developer will arrange for materials to be tested by a UKAS Accredited organisation.

5.14 Any remedial list prepared by the Highway Authority will be valid for a period of three months. After expiration of the remedial list a further inspection will be undertaken and further charges may be made.

### **Timescale for completing the road works**

5.15 DCC impose a time limit on completing road works. The works must be completed to Part 1 certification level within three months of the date of signing the Section 38 Agreement, and to Part 2 certification level within twenty one months of Part 1 certification; therefore allowing a maximum period of two years for the completion of all construction works.

5.16 If the Developer does not complete the works within the specified time limit, the Proper Officer may agree an extension of time, which will require additional administration and inspection fees and could necessitate an increase in the level of bond in support of the Agreement.

## **Section 6: Completing, maintaining and adopting the road works**

### **Part 1 (occupation) certificate**

6.1 Until DCC has issued a Part 1 certificate, no property shall be occupied.

6.2 A Part 1 certificate will be issued once the following works have been completed:

- demarcation of sight lines and margins and clearance of vision splays;
- all highway drainage (including drainage situated outside of the Road and Land);
- all other drainage contained within the highway;
- all kerb foundations and where appropriate kerbs including lowering at vehicle crossings and pram ramps and binder course surfacing to pedestrian ways;
- carriageway sub-base, base and binder course surfacing and vehicle crossings and any supporting structures thereto;
- street lighting columns erected and an order placed, and paid, for the energy supply;
- illuminated traffic signs and bollards (where appropriate) and an order placed, and paid, for the energy supply;
- structures (including Construction Compliance Certificate); and
- street name plates (where appropriate)

6.3 Further to the above, the Proper Officer shall not be obliged to issue the Part 1 Certificate until written confirmation is provided that any sewer constructed beneath the highway is regulated under an agreement made pursuant to Section 104 of the Water Industry Act 1991.

### **Part 2 (substantial completion) certificate**

6.4 DCC will issue a Part 2 certificate once:

- the works have been substantially completed and found to be satisfactory;
- all outstanding works relating to street lighting and illuminated traffic signs has been completed to the satisfaction of DCC;
- any new planted landscaping areas, grassed areas, trees, shrubs etc. that the Highway Authority will adopt have been fully planted and established; and
- any variations to the areas originally dedicated as highway maintainable at public expense in the Section 38 Agreement have been included in a supplemental agreement.

6.5 On the issue of a Part 1 certificate, in respect of the whole of the works the amount of bond may be reduced, to approximately 60% of the default bond value. When DCC issue a Part 2 certificate, again, the amount of bond may be reduced to approximately 25% of the original amount. The exception to this is where an extension to the original completion period has been agreed (see para. 5.16).

6.6 When appropriate, a stage 3 road safety audit will be completed as soon as practicable after the issue of the Part 2 certificate.

### **Maintenance**

6.7 Following the issuing of the Part 2 certificate the Developer will be responsible for maintaining the works for a “maintenance period”, usually a minimum of twelve months but continuing until the issue of the Final Certificate. This maintenance period allows any defects in the construction works to become apparent.

6.8 The Developer shall maintain the construction works (including all grassed and planted areas) to the satisfaction of the Proper Officer and at their own expense, and shall carry out such routine maintenance as may be necessary to facilitate use by vehicles and pedestrians. Routine maintenance shall include sweeping, gully emptying and snow clearance.

6.9 The Developer shall, at their own expense, clear all abandoned vehicles, rubbish or other unauthorised materials from the highway, as may be necessary to facilitate its use by vehicles, pedestrians and other users.

### **Final Certificate**

6.10 DCC will issue a Final Certificate of completion when the following actions have taken place:

- the Developer has contacted the Highway Authority at the end of the maintenance period to arrange an inspection of the works (including any trees and soft landscaped areas), and the Developer has satisfactorily completed any remedial works identified by the Highway Authority;
- a copy of the certificate of adoption for the drainage and sewers, as issued by the relevant water company, has been submitted to the Proper Officer;
- where needed, a stage 4 road safety audit has been completed to the Highway Authority’s satisfaction; and
- the Developer has provided the Highway Authority with:
  - the Health and Safety file, on CD, produced in accordance with the Construction (Design and Management) Regulations 2007. Appendix D contains a sample H&S file inclusion list.
  - Payment of any outstanding fees due under the Section 38 Agreement.
  - Further copy of a Construction Compliance Certificate for all structures being offered for adoption.

6.11 Following the issuing of the final certificate the Highway Authority will:

- instruct our solicitor to cancel the bond; and
- authorise the formal adoption of the works

## Section 7: Fees

### General

- 7.1 The Highway Authority will charge for the following:
- checking the design of the works;
  - preparing and coordinating the Section 38 Agreement;
  - Inspecting the works; and
  - the on-going maintenance of any items not essential for highway purposes (i.e. commuted sums).
- 7.2 A fee is payable at the time of submitting an application to enter into a Section 38 Agreement. This fee will constitute a deposit on the final fees payable under any formal agreement and covers costs incurred by the Highway Authority during the Technical Approval process. For works up to and including £100,000 (excluding any service diversions or associated statutory undertakers works) the fee will be £2,000, and for those works costing in excess of £100,000 the fee will be £4,000.
- 7.3 All fees and charges (except those detailed in para. 8.2 and 8.7) are due at the time of signing the Agreement, NOT upon final adoption.
- 7.4 The charge for administration, design checking and inspection is a fixed percentage of the estimated default cost of the works, as calculated by the Highway Authority.
- 7.5 The Developer will pay all of the Highway Authorities legal fees for the preparation of each agreement, plus disbursements (money paid to a third party during the preparation of an agreement).
- 7.6 DCC will also charge additional fees for each and every supplemental agreement and for each deed of grant.
- 7.7 Where an extension to the permitted construction time period is granted by the Proper Officer additional fees will be incurred by the Developer as follows:
- An administration fee of £250
  - An estimated inspection fee to be incurred by the Council as result of the extended deadlines. This fee will vary and is dependant upon the stage of construction the development has reached.

### Committed sums

- 7.8 Commuted sums shall be paid to account for the maintenance of any items not essential for highway purposes.
- 7.9 Where the Highway Authority agrees to adopt the following items, the Developer will be required to pay a commuted sum to meet the cost of future maintenance:
- additional areas exceeding usual highway design standards and which are not required for the safe functioning of the Highway (including grass);
  - traffic signal equipment;
  - materials outside the normal specification;
  - any non standard construction types or materials;
  - unusual or additional street furniture;
  - landscaping within the proposed Highway, including trees;
  - decorative / heritage street lighting columns;

- special features such as noise fencing;
- the disposal of contaminated waste from interceptors connected to SuDS;
- landscaping maintenance of SuDS;
- unusual drainage systems such as on-line storage, hydro breaks, pumping stations, SuDS, permeable paving and swales; and
- highway structures (including safety and noise fencing) that can be omitted by utilising an alternative design, yet are created to facilitate the Developer's choice (higher density, aesthetics, etc).

This is not an exhaustive list. There are other occasions where a commuted sum may be appropriate.

7.10 When considering the management of surface water run-off, and before submitting a planning application, the Developer should contact Dorset County Council's Transport Development Management team to discuss the viability of the proposed system, as this may have a bearing on the scale of any commuted sum to be levied.

## Appendix A – Technical Approval Submission Check List

The following information is required to enable a full and proper design check prior to issuing Technical Approval:

		Included	N/A
<b>Layout</b>	Location plan at a scale no smaller than 1:1250.	<input type="checkbox"/>	<input type="checkbox"/>
	Section 38 Agreement plan indicating the areas of proposed highway offered for adoption (coloured pink), and including any landscaping.	<input type="checkbox"/>	<input type="checkbox"/>
	Layout plans to a minimum scale of 1:500 indicating the position of all carriageways, footways, footpaths, cycleways, verges, service strips, visibility splays, traffic calming features, surface water drainage - including gully positions, position of dwellings (clearly detailing position of entrances, windows, porches, steps etc.), positions of street lighting, gradients of driveways, garaging and/or parking spaces with vehicular crossings, traffic signs, road markings and structures.	<input type="checkbox"/>	<input type="checkbox"/>
	Stage 1/2 Road Safety Audit reports (if required).	<input type="checkbox"/>	<input type="checkbox"/>
	Copies of the approved planning layout & landscaping plans	<input type="checkbox"/>	<input type="checkbox"/>
<b>Alignment</b>	Longitudinal sections of the carriageway showing existing and proposed levels for the centre line, channel, gradients and vertical curves with the appropriate horizontal road layout drawn above or below this section.	<input type="checkbox"/>	<input type="checkbox"/>
	Cross sections at 10m intervals showing carriageway, footway and verge construction including details of support.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Geometry</b>	Swept path analysis of all streets & junctions, using the appropriate design vehicle.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Standard Details</b>	Typical construction details of footways, footpaths, cycleways, vehicular accesses and pedestrian crossing points kerbs, manholes and pipe bedding etc. (as per standard drawings).	<input type="checkbox"/>	<input type="checkbox"/>
<b>Ground Conditions</b>	Where required the submission shall include a geotechnical report, including CBR test results at formation.	<input type="checkbox"/>	<input type="checkbox"/>

		Included	N/A
<b>Services</b>	Existing services layout plan.	<input type="checkbox"/>	<input type="checkbox"/>
	Proposed services layout plan.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Drainage</b>	Details of existing and proposed surface and foul water drainage, including a highway gully layout.	<input type="checkbox"/>	<input type="checkbox"/>
	Drainage system longitudinal sections indicating surface and foul water sewer profiles including the position of manholes, gradients, pipe sizes etc.	<input type="checkbox"/>	<input type="checkbox"/>
	A manhole schedule.	<input type="checkbox"/>	<input type="checkbox"/>
	Surface water run-off calculations.	<input type="checkbox"/>	<input type="checkbox"/>
	Typical drainage construction details.	<input type="checkbox"/>	<input type="checkbox"/>
	Details of deeds of easement and discharge consents.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Street Lighting</b>	Either a street lighting layout and specification or a request for DCC to undertake the street lighting design (note that this will not be completed until such time as the layout has been agreed).	<input type="checkbox"/>	<input type="checkbox"/>
<b>Structures</b>	Any specialist information regarding bridges, culverts, headwalls and retaining walls supplied on separate drawings.	<input type="checkbox"/>	<input type="checkbox"/>
	A structures AIP report produced in accordance with DMRB Vol 1 Sec 1 BD2/05 'Technical Approval of Highway Structures' for each individual structure, including private structures adjacent to areas being offered for adoption.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Landscaping</b>	Layout plan detailing the position of all trees, tree pits, planting & grassed areas to be offered for adoption.	<input type="checkbox"/>	<input type="checkbox"/>
	Tree and planting schedule.	<input type="checkbox"/>	<input type="checkbox"/>
	Tree pit construction detail(s).	<input type="checkbox"/>	<input type="checkbox"/>
<b>H&amp;S</b>	A full copy of HSE Form F10 which has been submitted to the Health & Safety Executive to notify them of the development, including details of the Client and the CDM Co-ordinator.	<input type="checkbox"/>	<input type="checkbox"/>

**Notes:**

Please supply two printed copies of all drawings & documents (colour where necessary), and a full electronic copy of all drawings & documents, drawn on a current survey base (where appropriate).

All plans (except the location plan) must be to a scale no smaller than 1/500.

If the submission does not include all the required detail, the design check will be delayed until all the information is made available.

## **Appendix B – Road Safety Audits**

### **General**

The Design Manual for Roads and Bridges, Volume 5, Section 2, Part 2, HD19/03 is the national standard for Road Safety Audits. Paragraph 1.5 states: “Road Safety Audits are intended to ensure that operational experience is applied during the design and construction process in order that the number and severity of accidents is kept to a minimum. Auditors identify and address problem areas using experienced gained from accident reduction schemes, accident investigation and research work.”

All requested relevant information must be supplied, as this will reduce the time taken to complete the approval.

Road Safety Audits should only consider road safety matters – they are not a technical check that the design conforms to standards and they do not consider structural safety.

Audits are carried out by an accredited (to the requirements laid down in HD 19/03) Road Safety Audit team that is independent from the works’ designers. The completed audit should be sent to the County Council, along with the designers’ response.

### **Design - Stage 1 and 2 Road Safety Audits**

Stage 1 Audits should be carried out at the preliminary design stage. This is the last occasion that the basic design of the works can be significantly changed and any land requirements finalised.

Stage 2 Audits should be carried out following completion of the works’ detailed design. This audit is concerned with the more detailed aspects, for example the provision of signs, road markings and street lighting.

### **Construction - Stage 3 and 4 Road Safety Audits**

Stage 3 Audits should be carried out only when the works have been substantially completed. This audit should look at the works from all road users’ viewpoints and be carried out both in daylight and during the hours of darkness.

Stage 4 Audits should look at how the works are operating and examine the accident record. They should normally be carried out between 12 months and 36 months after the works have been substantially complete. Based on the accident record and observations made during any site visits, these audits should identify any road safety problems and recommend remedial measures.

## Appendix C – Sample Pre-Commencement Meeting Agenda

**[SCHEME TITLE]**

**[Date, Location and Time]**

### **Possible Attendance List:**

The Developer / Developer's Agent

The Designer

The Principal Contractor

Specialist Sub-Contractors

Develop-Led Infrastructure Officer

Highway Authority Representative (officer dealing with design check)

Highway Authority Representative (officer who will be inspecting the site)

Highway Authority Representative (Customer & community Liaison Technical)

Arboriculture Officer (if tree protection is a significant factor)

1. Introductions
2. Overview of Scheme
3. Technical Approval:
  - 3.1 *Confirmation of Approved Drawings*
  - 3.2 *Any known amendments from Technical Approval drawings*
  - 3.3 *Specification*
  - 3.4 *No. copies of all construction drawings required. (Developer to provide)*
4. S38 Agreement:
  - 4.1 *Confirmation of Agreement completion*
  - 4.2 *Confirmation that all fees paid*
  - 4.3 *Confirmation that bond is in place.*
5. Planning Conditions and Constraints
6. Principal Contractor:
  - 6.1 *Insurance Documents (Minimum £5,000,000 for any one claim)*
  - 6.2 *QA Registration Scheme Details (Constructionline registration)*
7. Sub-Contractors:
  - 7.1 *Insurance Documents (Minimum £5,000,000 for any one claim)*
  - 7.2 *QA Registration Scheme Details (Constructionline registration)*
8. Site Set -up
  - 8.1 *Access*
  - 8.2 *Location of Site Offices, Stores etc*
  - 8.3 *Materials Storage - Maintenance of Visibility*
9. Programme:
  - 9.1 *Proposed Start date*
  - 9.2 *Programme of the Works*
  - 9.3 *Progress meetings – frequency?*
  - 9.4 *Programme slippage*

10. Contacts:
  - 10.1 *Scheme Contact Directory (Developer to produce, to include DLI details)*
  - 10.2 *Emergency Numbers (not a 24 hr answer machine)*
  
11. Health and Safety
  - 11.1 *CDM Coordinator*
  - 11.2 *Confirmation that F10 has been sent to the HSE*
  - 11.3 *H&S Plan: Construction phase H&S plan approved by the CDM Co-ordinator*
  - 11.4 *Method statements*
  - 11.5 *Site PPE Policy*
  - 11.6 *H&S File*
  
12. Permanent Traffic Regulation Orders
  - 12.1 *Waiting Restrictions*
  - 12.2 *Speed limits*
  - 12.3 *Permanent Road Humps*
  
13. Works in Existing Highway
  - 13.1 *Proposals*
  - 13.2 *Streetworks registration for all key personnel*
  - 13.3 *Traffic Safety and Control – TSCO contact details & emergency contact numbers*
  - 13.4 *Road Space Booking*
  - 13.5 *Temporary Traffic Regulation Orders*
  - 13.6 *Traffic signal authorisations*
  - 13.7 *Liaison with Police*
  
14. Statutory Undertakers
  - 14.1 *Agreed diversion routes*
  
15. Quality Control
  - 15.1 *Inspections*
  - 15.2 *Material Testing requirements – accredited & independent laboratory, types & frequency of tests required*
  
16. Public Relations
  - 16.1 *Advance notice boards – time periods, locations and format/wording to be agreed with DCC*
  - 16.2 *Letter drops – developer to arrange, wording agreed by DCC.*
  - 16.3 *Contact information for Dorset Direct*
  - 16.4 *Working Hours*
  - 16.5 *Noise*
  - 16.6 *Mud on Road*
  - 16.7 *Maintaining Accesses*
  
17. Safety Audit
  - 17.1 *Timing of Stage 3 RSA*
  
18. Remedial works
  
19. Third Party Claims
  
20. Any Other Business

## Appendix D – Sample Health & Safety File Inclusion List

### Introduction

#### Description of the nature of Work

### Index

List drawings and other information included in file and information in other records to which this file cross refers.

Note – only drawings relating to health and safety need to be included within the file

Important Note – Residual Hazards must be highlighted on the as-built drawings incorporated in the File

#### A AS BUILT DRAWINGS

The following drawings should be included in this file:-

- **Scheme Drawings**

- a) Horizontal alignment including land boundaries at 1/2500 or 1/1250 scale - OS preferred if available.
- b) Vertical alignment showing original and final centre line levels, if designed.

- **Earthworks**

- a) Profiles showing original and final levels with notes on soil types, capping layers and backfill to structures. Include buried pavements and whether broken up or perforated.
- b) Plans and profiles of any areas of contaminated land - include extent, treatment and any analysis of contaminants.
- c) Locations and details of on/off site tips.
- d) Locations and treatment of any shafts, swallow holes etc.
- e) Locations and details of soil treatment, eg line stabilisation.

- **Drainage**

- a) Plans and sections of foul/surface water drains, including location, levels, types and size of pipes, bedding/backfill and any protection. Include details of abandoned drains left in place.
- b) Plans of fin drains including locations, type, make and depth.
- c) Plans showing outfalls into watercourses including interceptors and traps.
- d) Plans showing balancing ponds and other drainage features.
- e) Plans showing land drain connections.
- f) Drawings showing types and locations of manholes and catchpits, gullies, gratings and frames – including details of any proprietary systems.
- g) Details of water bearing strata
- h) [Locations requiring confined space procedures]
- i) [Areas which may flood in severe storms]

- **Pavements**

- a) *[Plans showing extent of surfacing including type of materials, thicknesses and mix design for black top pavements. List suppliers by name and address. Where covered by COSHH Regulations, give full details of product or material]*

*specification. Where sub-contractors installed or applied products or materials, give names and addresses. For concrete pavements include details of joints, mix design and reinforcement. Some of this information may be included on Stl 0551 'Highway Construction Data Sheet'. If that is the case, a simple cross reference to that information is all that is required.]*

- Structures  
*[Where a highways structure is included, a separate Health and Safety File needs to be prepared in accordance with the requirements of the Bridge Management Team and a cross reference is to be included here.]*
- Fencing  
*[For fencing, drawing should show location, type, protection given and any special features, eg netting. Note fencing erected on private domestic property.]*
- Road Restraint Systems  
*[Drawings showing location and types of road restraint systems including details of post fixings.]*
- Road Markings and Traffic Signs  
*[Drawings showing location, materials, fabrication, foundations, lighting and power supplies.]*
- Traffic Signals  
*[Drawings showing locations, type of signal heads, detectors, routes of cables, power supply and connections (if any) to other systems such as SCOOT/MOVA. Include statement of the equipment functionality.]*
- Lighting  
*[Drawings showing location and details of type of column, lantern, foundations and power supply to be supplied to Street Lighting team.]*
- Utility Companies' Equipment  
*[Drawings depicting the responsible authority/company, location, depth, size and type of equipment. Methods of marking/identification of equipment must be included. Drawings must include a reminder that any future work will require liaison with the relevant company as the equipment is owned by that company and they may alter it them-selves. Highlight any particular residual hazards, eg high voltage cables, shallow equipment, concrete surrounds, etc.]*
- Legislative Requirements  
*[Plan needed to identify the area of highway land available for maintenance, Maintenance easements for drawings etc and discharge storm water rights.]*

## **B DESIGN INFORMATION**

- Structures  
*[Refer to Health and Safety File Ref.....]*
- Basic Design Parameters  
*[Parameters used for cutting/embankment slope calculations with list of batter slopes].*
- Drainage  
*[Details of drainage design for culverts/sewers, combined kerb and drainage systems, including the maximum storm period used.]*
- Traffic and Pavement Design  
*[Details of predicted/actual traffic flows and pavement design loadings and assumptions].*

## **C CONSTRUCTION METHODS**

- Structures  
*[Refer to Health and Safety File Ref.....].*
- Special Techniques  
*[Provide information on methods of construction where special techniques were necessary (eg. dewatering or ground freezing)].*
- Unforeseen Problems  
*[Describe any significant unforeseen health and safety problems which arose and steps taken to overcome them].*
- Risk Assessments etc  
*[Provide copies of Risk Assessments, permits to work, method statements and safe working procedures that may be of use in maintenance, alterations or demolition].*

## **D MATERIALS**

The following materials and products, not shown on the as-built drawings, were used in the project:-  
*[List suppliers by name and address where covered by COSHH Regulations, give full details of product or material specification. Where sub-contractors installed or applied products or materials, give names and address].*

## **E MAINTENANCE FACILITIES/PROCEDURES**

- Structures  
*[Refer to Health and Safety File Ref.....]*
- Plant, Machinery and Equipment  
*[A Maintenance Manual is attached for the following items of [plant, machinery, equipment]]:-*

- a) *[The manual should detail the methodology for comprehensive testing, routine maintenance, fault repair and testing and any residual hazards.]*
- Maintenance Features  
*[Details should be provided of any features incorporated into the project to facilitate future maintenance operations, eg access.]*

**F DEMOLITION**

- Structures  
*[Refer to Health and Safety File Ref.....]*
- Plant, Machinery or Equipment  
*[Detail any health or safety implications that the removal of any plant, machinery or equipment - particularly electrical/electronic - may have on others outside of the site.]*

**G HAZARD AND RISK INFORMATION**

- *[A summary containing clear, concise and relevant information on the hazards and residual risks.]*

## **Appendix E - Contacts**

### **For initial discussions please contact:**

Neil Turner – Principal Engineer (Developer-Led Infrastructure, Dorset Highways)

Tel 01305 225401

Email [DLI@dorsetcc.gov.uk](mailto:DLI@dorsetcc.gov.uk)

Steve Savage – Manager (Transport Development Management)

Tel 01305 224157

Email [s.k.savage@dorsetcc.gov.uk](mailto:s.k.savage@dorsetcc.gov.uk)

### **For technical queries on structural design matters please contact:**

John Burrige – Group Manager (Bridge Management, Dorset Highways)

Tel 01305 225366

Email [j.burridge@dorsetcc.gov.uk](mailto:j.burridge@dorsetcc.gov.uk)

### **For technical queries on street lighting design matters please contact:**

Rod Mainstone – Principal Engineer (Street Lighting, Dorset Highways)

Tel 01305 225355

Email [r.l.mainstone@dorsetcc.gov.uk](mailto:r.l.mainstone@dorsetcc.gov.uk)

### **For queries on existing highway and maintenance matters please contact:**

Mike Westwood - Highways Manager (Community / Customer Liaison team, Dorset Highways)

Tel 01305 228167

Email [m.westwood@dorsetcc.gov.uk](mailto:m.westwood@dorsetcc.gov.uk)