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**APPLICATION TO ENTER INTO AN AGREEMENT UNDER**

**SECTION 38 – HIGHWAYS ACT 1980**

The following application form and supporting information should be emailed to Highways Development [highwaysdevelopment@shropshire.gov.uk](mailto:highwaysdevelopment@shropshire.gov.uk)

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| --- | --- |
| **Location and date planning permission granted, reference number of planning permission** |  |
| **Developers name, Company Number and registered office address, contact name, phone number and email address** |  |
|  |  |
| **Developers solicitor (name and address and DX number) Name of solicitor dealing with the matter, reference & Email address** |  |
| **Land owners name, Company Number and address (if different from Developer). Proof of ownership of the land.** |  |
| **Does any of the land subject to the works fall within the existing highway? If so, edge red; all land to be coloured pink.** |  |
| **Is there a S106 planning agreement?** |  |
| **Nature of development (e.g. supermarket with associated parking)** |  |
| **Location and description of works within the public highway** |  |
| **A Bond is normally required to the value of the works subject to such Bond being approved by the Council. Name and address of Bondsman or state CASH if cash deposit to be made** |  |
| **Name and address of contractor who will construct the works** |  | |
| **Estimated construction costs.** |  | |
| **Approximate date highway construction will start** |  | |
| **Approximate period of overall scheme (not just road construction)** |  | |

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| **Construction, Design and Management (CDM) Regulations 2015**  The design, construction and management of highways subject to a road adoption (S38) or Highway Works (S278) Agreement are likely to fall within the scope of the CDM Regulations (2015). The Agreement requires formal identification of the individual nominated by the Developer as the CDM Coordinator/Site Supervisor and places an obligation upon the Developer to inform the Council in the event that the named individual is replaced.  Please provide relevant details. | | | | | |
| **Is the development to be constructed in phases?** | | | | | |
| **YES** | **NO** | | | | |
| If Yes, please attach dates for each phase and attach phasing plan | | | | | |
| **Will there be a Section 104 Agreement (or other agreement) with the Water Authority for adoption of the sewers on site**   1. **Foul Water Sewers** | | | | | |
| **YES** | | | **NO** | | |
| 1. **Surface Water Sewers** | | | | | |
| **YES** | | | **NO** | | |
| If the answer to a or b above is **no** please state the proposed alternative drainage arrangements; | | | | | |
| **Are there likely to be any lengths of highway Drain or Soakaway?** | | | | | | |
| **YES** | | | | **NO** | | |
| If Yes, are they to be proposed for adoption by this Council as Highway Authority? | | | | | | |
| **YES** | | | | **NO** | | |
| If Yes, give brief details  (i.e. number and type of Soakaways and approximate length of proposed Highway Drain) | | | | | | |
| **Will a surface water easement be required? (To be granted by the Freehold Owners of the land).**   |  |  | | --- | --- | | **YES** | **NO** | | | | | | | |
| **Structures**  **Are there likely to be any other structures to be proposed for adoption as part of the highway (Inc. retaining or supporting walls, oversized pipes or culverts, either in or adjacent to the proposed Highway.)**  **If so, please give brief details** | | | | | | |
| **Are there any works proposed on an existing highway**   |  |  | | --- | --- | | **YES** | **NO** | | **Please provide details.** | | | | | | | | |
|  | |  | | | | |
| **Will the development require the construction of a new vehicular access prior to the completion of the Agreement?** | | | | | | |
| |  |  | | --- | --- | | **YES** | **NO** | | | | | | | |
| **Has a temporary access licence (S184) been applied for or issued to facilitate the construction of the new development?** | | | | | | |
| **YES** | | **NO** | | | | |
| **Have the works been subject to a Stage 1/2 Safety Audit?** | | | | | | |
| **YES** | | **NO** | | | | |
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| **Information required** | | | | | | | |
| The following information is required to progress Section 38 technical assessment.  Please confirm information is attached to application stating drawing number of signposting to location.  Failure to provide the relevant information will result in the technical check being put on hold until the information has been submitted. | | | | | | | |
|  | | | | | List of Drawing Nos Rev No | | |
| **Application form fully completed and signed** | | | | |  | | |
| **Location Plan**  A plan identifying the location of the site, site boundary, adjacent road names and nearest postcode.  1/2500 OS based with 250m coverage either side of site | | | | |  | | |
| **Planning Layout**  A copy of the approved planning layout plan and planning consent (inc. any conditions) | | | | |  | | |
| **General layout drawing showing carriageway and footway design**  To include all buildings and associated boundaries, access and parking together with plot numbers and road names. | | | | |  | | |
| **Section 38 – Legal Plan**  Drawings showing extents of highway to be adopted or modified suitable for inclusion within the Section 38 Agreement (please see checklist for details)  Buildings adjacent to the proposed adoption limits should allow 300mm for foundations and private drainage.  A copy of the existing adjoining adopted highway network should be submitted and shown on Section 38 drawing.  **Highway Drainage Easement Drawing**  Shows clearly and precisely, by suitable colouring/colour edging, the precise extent of the land to be searched – i.e., to be subject to the Deed of Grant of Easement.  Please refer to checklist for further details.  Drawing is for legal purposes, so needs to be indicative for initial technical checks, but draining requires approval prior to technical approval. | | | | |  | | |
| **Swept Path Analysis**  Provide vehicle swept path analysis for the largest vehicle expected to use the new infrastructure (development construction traffic to be considered)  All areas to be offered for adoption must be tracked.  All adoptable turning heads need to comply with the refuse vehicle and can manoeuvre within the adopted highway. | | | | |  | | |
| **An engineering layout drawing at 1:500 scale will be required, showing:**  All road, footway and service strips with dimensions and all kerb lines The carriageway chainage and road numbers (or identification) to be included on at least one drawing; plot numbers to also be stated. A drawing must also include dimensions where areas of the proposals are not as per any typical sections  • Severn Trent surface water and foul sewers indicated in black with surface water manholes as open circles and foul manholes as solid black circles. Private connections into the Severn Trent system should also be indicated  • The manholes should be numbered with level details and pipe sizes shown  • High and low points in relation to gully positions clearly. All road gullies clearly indicated together with individual gully catchments in m²  • Centreline chainages at 10 metre intervals with spot levels and junction intersection spot levels.  • Any proposed signs and road markings drawn to scale together with dimensions  Forward visibility and junction visibility to be included, stating ‘x’ and ‘y’ values. | | | | |  | | |
| **Drainage and Contours Drawing**  All proposed adoptable areas should be contoured at 25mm intervals including 10m past the tie in points to the existing highway, including all proposed gully locations.  Layout drawings showing design of foul and surface water sewers:  Drawings required if not included on GA. To include gully positions and connections, pipe sizes, invert levels, cover levels, gradients, manhole and soakaway details & schedules, soakage/infiltration tests, hydrobrakes, petrol interceptors, attenuation, connections to outfalls and any other SuDS features.  A separate drawing showing the impermeable areas used for the hydraulic model/calculations - including contours and gully positions.  Also provide Calculation sheets of the drainage design or print outs from a Drainage Design Software Program (if WinDes then the model should be submitted with the printouts). This shall include assessment of the downstream network/outfall.  Any licences or agreements should be submitted and consultations with Water Authorities or Environment Agency should also be submitted. Where drainage and/or utilities cross, calculations to demonstrate that a pipe clash check has been undertaken.  Spot levels and private drainage provision is required to demonstrate no surface water run-off onto adoptable areas | | | | |  | | |
| **Longitudinal and cross-sections relating to layout drawings, showing proposed and existing levels, gradients, and ‘K’ values vertical curves**  Longitudinal section plan (scale 1:100 vertical, 1:500 horizontal). Details should include centreline vertical profiles including high and low points, levels at junction intersections, storm water and foul sewer details with manhole cover and invert levels and pipe sizes and gradients, etc. Details should also include gradient details as percentage and 1:X value, vertical curve details to include length, radius and "K" values. Gradients must not exceed 1:20. | | | | |  | | |
| **Drawing(s) showing construction details, typical sections and specifications**  All features within the adopted highway should be depicted, including pavement construction, kerbing and drainage. | | | | |  | | |
| **Kerbing details**  A plan at 1:500 scale showing the kerbing details for the internal Sec. 38 adoptable highway design and kerbing forming the site access and any alterations along the site frontage.  Key to match construction detail descriptions. | | | | |  | | |
| **Drawing(s) showing proposed traffic signs and road markings**  Required if not included on GA. To include sign face sizes, x-heights/dimensions, mounting heights, details of posts, lighting arrangements etc | | | | |  | | |
| **Street Lighting**  Application form, drawings and calculations showing your detailed proposals for the provision of street lighting | | | | |  | | |
| **Utility plans**  Copies of all statutory undertakers’ apparatus plans identifying all new services, required diversions and ducting depths. | | | | |  | | |
| **Landscape Plan**  Location plan, tree species and planted size. Also any tree pit, protection or watering system details | | | | |  | | |
| **Bill of Quantities**  For bond calculation purposes | | | | |  | | |
| **Construction Programme**  Programme identifying the anticipated construction duration for all works to be adopted. | | | | |  | | |
| **Asset Inventory**  All assets and materials within adoption areas listed, specified and quantified (spreadsheet format).  (This can be submitted prior to technical approval). | | | | |  | | |
| **If appliable** | | | | |  | | |
| **Signals**  Drawings showing detailed proposals of any provision of signalised crossings or junctions for the scheme, including full design calculations | | | | |  | | |
| **Structures**  Design drawings including rebar schedule, AIP or Design Certificates. | | | | |  | | |
| **Road Safety Audit**  Combined Stage 1/2 Road Safety Audit with Designers Responses together with a copy of the original drawings submitted for the safety audit. This may not be required on initial technical check, but may be requested on subsequent checks once design has been agreed. | | | | |  | | |
| **Public Rights of Way plan**  If there are any public rights of way crossing the site please supply details and confirmation that any diversions or extinguishments have been dealt with appropriately | | | | |  | | |
| **Registered Title (not required for technical check)** | | | | |  | | |
| **Notes;** | | | | | | | |

**Declaration:**

I/We hereby apply to enter into a Section 38 Agreement with Shropshire Council for works in connection with the above planning permission.

If the Section 38 works commence in advance of completion of the agreement it is possible that Shropshire Council will be unable to adopt the works or will require extensive alterations prior to adoption.

Signature: Date:

Print Name:

**S38 Agreement – Legal Plan - Checklist**

* Drawing number and revision clearly shown
* Maximum scale achieved and indicated on plan.
* Drawing should include a bar scale and a north point.
* Key should be provided where applicable and reflect the drawing.
* Bold pink hatch outlining the extents of carriageway being put forward for adoption.
* Visibility splays need to be included and coloured pink.
* Any existing highway forming part of the Section 38 agreement should be coloured pink and edged red.
* All unnecessary engineering details should be removed from the drawing.
* Streetlighting columns and signs to be adopted should be shown on the drawing and numbered.
* Road numbers and road widths remain on the drawing.
* Highway drainage to include gullies and connections to be shown in blue.
* Any drainage easements should be shown on the Section 38 agreement drawing. All highway drains to be adopted to be coloured blue and minimum 3 metre easement (dimensioned) should be shown on either side of extent of the highway drain, shown hatched brown and edged solid brown. A separate drawing for any easements needs to be provided (see easement drawing checklist at the bottom of the document).
* For larger developments it may be necessary to provide multiple plans that fit together in order to clearly show required detail. Where development cannot be displayed on one plan, cut lines should be provided. There should be no overlapping of phases. An inset plan may be required for clarity.
* It is not necessary for Section 38 drawings for the site boundary to be edged red.

**Highway Drainage Easement Drawings**

* Shows clearly and precisely, by suitable colouring/colour edging, the precise extent of the land to be searched – i.e., to be subject to the Deed of Grant of Easement.
* Has been drawn accurately to a stated scale and shows the scale to which it is drawn – preferred scales are: (a) 1:1250 – 1:500 for urban properties (b) 1:2500 for rural properties (fields and farms etc).
* Shows sufficient detail to be identified on the Ordnance Survey map and/or grantor’s, lessor’s or vendor’s title plan.
* Clarifies its general location by showing roads, road junctions or other landmarks. Shows its orientation (for example, a north point).
* Is based on a scale of metric measurement and includes a bar scale.
* Ideally, is not marked as “for identification only” or similar wording.
* Is not endorsed “Do not scale from this drawing” or any similar phase or includes a statement of disclaimer intended to comply with the Property Misdescriptions Act 1991.
* Our Legal department suggest that the land to be subject to Deeds of Grant of Easement be hatched and edged in solid brown with the drainage apparatus being shown by blue colouring.  The proposed highway land which is to take the benefit of the easement should be
* coloured pink (as per the Section 38 plan) with any existing highway coloured pink and edged red.  All other colouring that may be shown on the plan should be removed – i.e. this may be a site boundary edged red/green etc.
* A separate plan will be required for each easement area that may fall within separate titles – i.e. where the easement crosses over several different land ownerships.  The full extent of the proposed highway should be coloured pink on each of these plans.  This pink colouring is required to be bold enough to be clearly shown when the plan is printed as a paper copy.