

**Worcestershire County Council**  
**HIGHWAYS ACT 1980**  
**SECTION 38 AGREEMENT APPLICATION FORM**

The information requested in this form will be used in preparation of a draft Agreement.

1, **Development Details**

Planning Permission Ref:	
Parish:	
Location:	
6 Figure National Grid Reference:	
Development Name:	
Anticipated Commencement Date:	
Anticipated Completion Date:	

2, **Name of Developer (In Full)**

Address:	
Postcode:	
Contact Name:	
Telephone Number:	
Email Address:	

3, **Developer's Legal Representative (Optional)**

Address:	
Postcode:	
Contact Name:	
Telephone Number:	
Email Address:	

4, **Developer's Agent/Consultant**

Address:	
Postcode:	
Contact Name:	
Telephone Number:	
Email Address:	

5,	<b>CDM Coordinator (Optional)</b>	
	Address:	
	Postcode:	
	Position in Company:	
	Telephone Number:	
	Email Address:	

6,	<b>Name of owner of title of land to be dedicated as Highway (if different to the developer, as they will need to be party to the legal agreement)</b>	
	Address of Land Owner:	
	Postcode:	
	Telephone Number:	
	Email Address:	

7,	<b>Supporting Documentation</b>	<b>Attached</b>
	The following documents must be submitted with the completed application form:	
	<b>General:</b>	
	A copy of the Planning Approval Decision Notice	
	Location plan, at scale 1:1250 showing the planning application boundary shown in red	
	Plans indicating the areas to be offered for adoption. The plans must be drawn to scale and based on the latest published edition of the large scale Ordnance Survey Map and be of the standard required by the Land Registry (see Land Registry Practice Guide 10);	
	Confirmation of all structures that are proposed within 4 metres of the highway. A fee proposal will be provided by WCC for checking and approval of these structures, to be undertaken by Jacobs on behalf of WCC.	
	A geotechnical report including CBR test results at formation	
	Equality Impact Assessment, where necessary	
	Provide vehicle swept path analysis for the largest vehicle expected to use the new infrastructure (development construction traffic to be considered)	
	A plan showing the extent of the public highway, adjacent to the proposed Sec. 38 works	
	Details of land title covering the entire Sec. 38 works ( <i>NB – title to any land to be dedicated must remain in the ownership of the developer/freeholders entering into the Sec. 38 agreement until the adoption of the highway by WCC.</i> )	
	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.	

<p>Confirm that the Developer will be entering into a Sec. 104 Agreement with Severn Trent Water Limited for the adoption of any surface water sewers within the development site and evidence of technical approval of the sewer system. If the Micro-drainage calculations indicate flooding within the proposed system under a 1 in 100 year plus 30% climate change storm event, plans must be submitted showing the proposed flood routing within the development.</p>	
<p>Confirmation that the visibility splays at the site access comply with WCC standards based on measured vehicle speeds.</p>	
<p><b>Layout</b></p>	
<p>A layout plan at 1:500 scale showing adoptable road works indicated with:</p> <ul style="list-style-type: none"> <li>• tarmac carriageways: light grey</li> <li>• tarmac footways and footpaths: yellow</li> <li>• block paved carriageways and footways: light brown</li> <li>• grass verges/service strips: green</li> <li>• adoptable highway drainage: blue</li> </ul> <p>The drawing should clearly show all different types of carriageways, footways, service strips, kerblines and vehicle crossings indicated with thin black lines.</p>	
<p>An engineering layout drawing at 1:500 scale will be required, showing:</p> <ul style="list-style-type: none"> <li>• All road, footway and service strips with dimensions and all kerb lines</li> <li>• 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</li> <li>• The manholes should be numbered with level details and pipe sizes shown</li> <li>• High and low points in relation to gully positions clearly. All road gullies clearly indicated together with individual gully catchments in m<sup>2</sup></li> <li>• Centreline chainages at 10 metre intervals with spot levels and junction intersection spot levels.</li> <li>• Any proposed signs and road markings drawn to scale together with dimensions and T.S.R &amp; G.D. 2002 reference numbers</li> </ul>	
<p>A layout plan at 1:500 scale, indicating all visibility splays at junctions and curves, which should be provided in compliance with WCC standards and included within the adoptable areas.</p>	
<p>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. These details should comply with WCC standard details.</p>	
<p><b>Vertical Alignment</b></p>	
<p>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. Minimum gradients should be 1:100 on tarmac roads and 1:80 on block paved roads.</p>	

<b>Drainage</b>	
Provide confirmation that the Developer will be entering into a Section 104 Agreement with Severn Trent Water Limited for the adoption of any surface water sewers within the development site and evidence of technical approval of the sewer system. If the Micro-drainage calculations indicate flooding within the proposed system under a 1 in 100 year plus 30% climate change storm event, plans must be submitted showing the proposed flood routing within the development.	
<b>Construction</b>	
Provide a single drawing showing kerbing and construction/surfacing information with a key showing the different types of construction and surfacing. Provide this information using distinct line-types with the kerb type and size printed along the line.	
Provide a clear plan with each kerb type clearly indicated through the use of a distinct line-type.	
Provide the standard details relevant to this scheme, using 'WCC Standard Drawings 2020 Part 1 & 2'.	
<b>Street Lighting</b>	
A street lighting design and specification with lighting column positions indicated in red on the Sec. 38 layout plan. The lighting design and specification should only be produced after a design brief and equipment specification has been requested from the County Council's Street Lighting Team. Alternatively, the County Council can provide a fee estimate to supply a lighting design and specification for the scheme once the road layout has been fixed.	
If the development lies within a Parish lighting area then highway standard lighting will not be provided or adopted by the County Council. Consultation will take place with the Parish Council, once the adoptable road layout has been agreed to determine whether or not they will require Parish footway lighting within the development site.	
<b>Landscaping</b>	
Provide a drawing detailing the proposed private landscaping, to ensure it will not adversely affect the Sec. 38 works or visibility splays	

8, <b>Fees:</b>	<b>Enclosed</b>
<p>In order to process the agreement further Worcestershire County Council requires an up-front non-refundable fee of £2,000. This is to safe guard against developments that use our resources but fail to complete the agreement and we therefore can't recoup our costs. The up-front fee will be deducted from our design check, management and inspection fee which has a minimum amount of £2,000. The design check, management and inspection fee will be paid when you sign the agreement with our Legal Section.</p> <ul style="list-style-type: none"> <li>• Electronic payments - Please see the following link <a href="http://www.worcestershire.gov.uk/pay">http://www.worcestershire.gov.uk/pay</a> and use our secure online payment site and choose Highway Agreements (S38/S278)</li> <li>• Cheque payments - Please send a cheque made payable to 'Worcestershire County Council' with a covering letter to: Section 38/278 Technician, Network Control, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP</li> <li>• BACS payments – Please use the title of the scheme as reference. Account name: Worcestershire County Council County Fund Account, Bank Account No. 53583147, Sort Code: 20-98-87</li> </ul>	
<b>Please note that your application will not be processed until the fee has been received.</b>	

9,

<b>Declaration</b>
The declaration must be signed by a person with authority to execute financial instruments on behalf of the developer.
I/We have read the notes attached to this form and agree to comply with the requirements contained therein.
I/We undertake that the developer will meet all reasonable costs incurred by Worcestershire Council County and its agents in the preparation of the Agreement and, in the event of an Agreement not being completed, to pay Worcestershire County Council all reasonable expenses incurred in any abortive works. If the Works commence in advance of completion of the Agreement it is possible the County Council will be unable to adopt the works or will require extensive alterations prior to adoption.
<i>Signed:</i>
<i>Name:</i>
<i>Position within Company:</i>
<i>On Behalf of:</i>
<i>Date:</i>